



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2023 Session
SB0889

Criminal Law – Wearing, Carrying, or Transporting a Handgun – Penalty

Bill Summary

This bill increases the maximum incarceration penalty from three years to five years that may be imposed on a violator of the prohibition against wearing, carrying, or transporting a handgun when the person has no prior convictions under §§ 4-203 (wearing, carrying, or transporting a handgun), 4-204 (use of a handgun or antique firearm in the commission of a crime), 4-101 (wearing or carrying dangerous weapons), or 4-102 (deadly weapons on school property) of the Criminal Law Article.

Racial Equity Impact Statement

The impacts of the bill's increased penalties for various handgun possession violations cannot be estimated without demographic data regarding arrests, charges, and convictions for the specific offenses altered by the bill. Circuit court and District Court data show a moderate increase in handgun possession offenses from fiscal 2021 to 2022, but there is no racial or ethnic breakdown available from which to measure potential equity impacts. However, the general overrepresentation of Black or African American individuals in the State's criminal justice system, particularly in the incarcerated population, suggests that the bill's increased penalty structure could impact these individuals to the greatest extent.

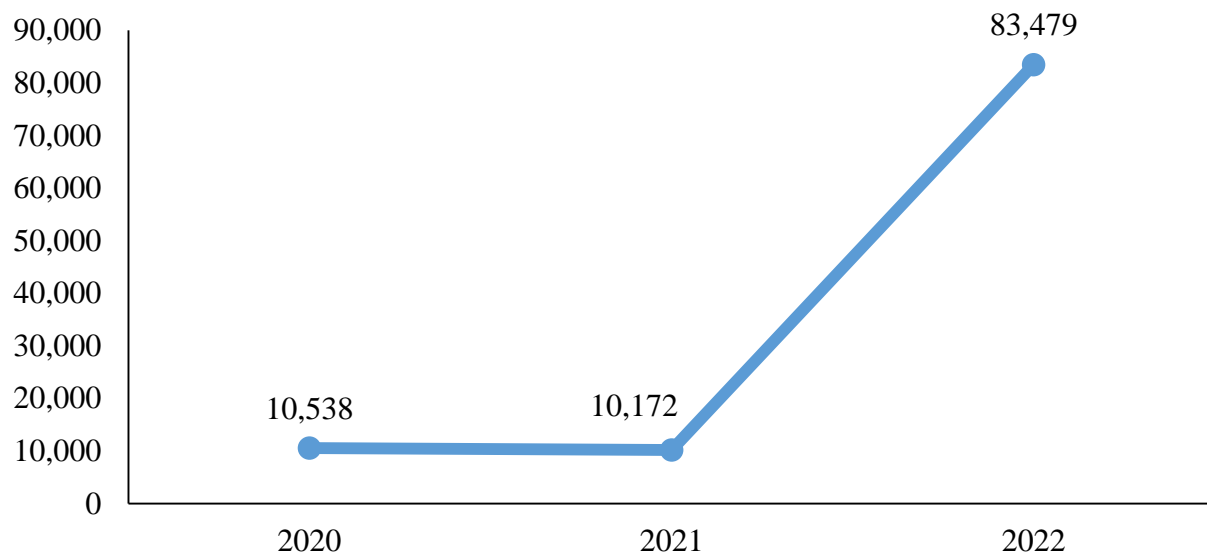
Analysis

The bill alters penalties for specified handgun violations under the Criminal Law Article, which generally prohibits wearing, carrying, or transporting a handgun in a vehicle, public parking lot, public school property, on public highways, waterways, and under various other circumstances.

The bill increases the maximum penalty of three years imprisonment to five years for first-time offenders.

Following the U.S. Supreme Court’s June 2022 decision in *New York State Rifle & Pistol Association, Inc. v. Bruen*, Maryland’s Court of Special Appeals (now the Appellate Court of Maryland) ruled that Maryland’s wear and carry handgun permit law requiring an applicant to have a “good and substantial reason” to be issued a license to carry was unconstitutional. This has led to a significant increase in the number of individuals legally permitted to carry firearms in the State and may have a meaningful effect going forward on the number of violations for handgun possession under the bill. **Exhibit 1** shows the number of permits approved by the Department of State Police (DSP) from 2020 through 2022. In 2022, DSP approved 83,479 wear and carry firearm permits, representing an 821% increase compared to the number of approved permits in the previous year.

Exhibit 1
Maryland Approved Wear and Carry Firearm Permits
2020-2022

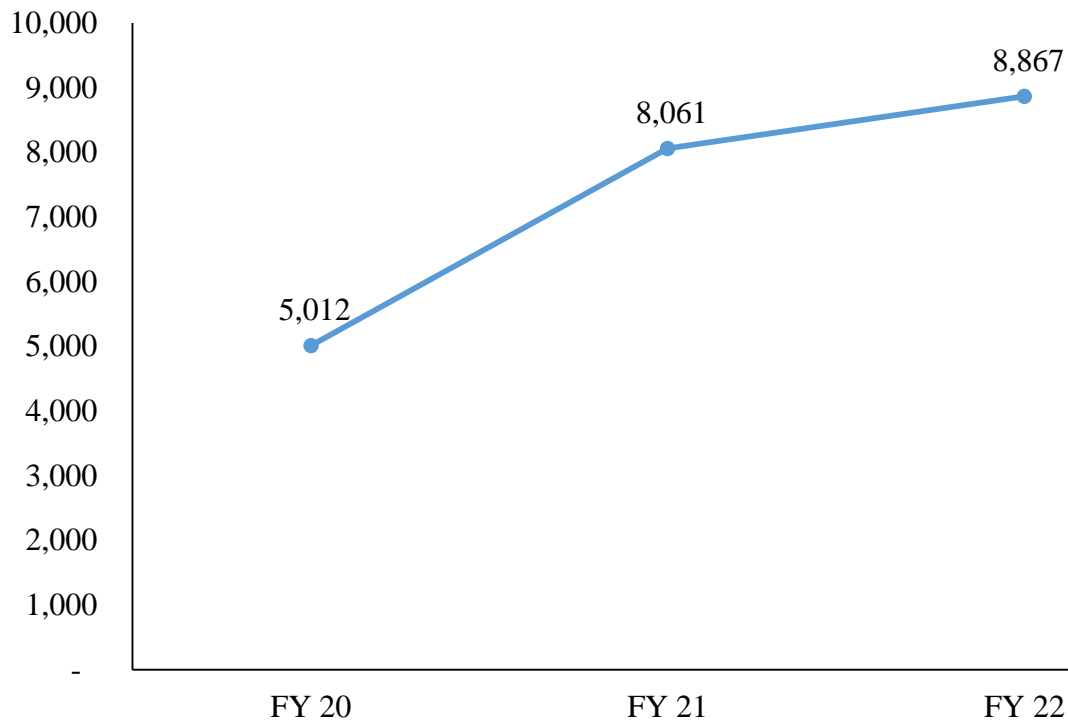


Source: Department of State Police

Charges in the Circuit Court and District Court

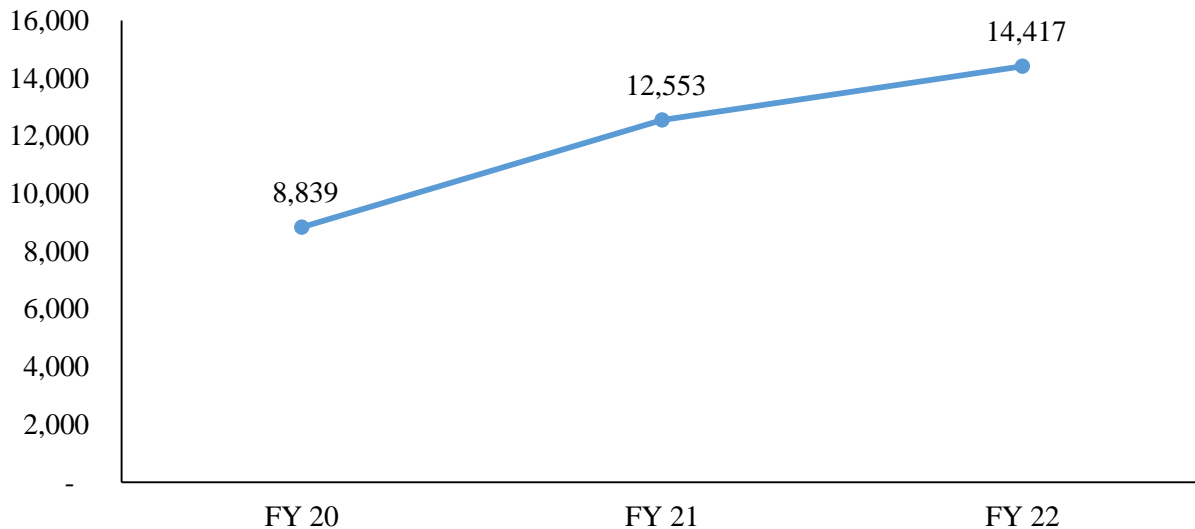
According to Administrative Office of the Courts data, the number of charges for handgun possession has steadily increased in both circuit and District courts over the past several fiscal years. **Exhibits 2** and **3** show the number of charges in the circuit court and the District Court, respectively, from 2020 through 2022. From fiscal 2021 to 2022, charges in circuit court increased by 10% and charges in District Court increased by 15%. The lower number of charges in fiscal 2020 reflects the overall reduction in enforcement and charging activity due to the COVID-19 public health emergency. There are no readily available data regarding the racial and ethnic background of those individuals charged under the statute.

Exhibit 2
Circuit Court Violations Filed Under
Criminal Law Article § 4-203
2020-2022



Source: Administrative Office of the Courts

Exhibit 3
District Court Violations Filed Under
Criminal Law Article § 4-203
2020-2022



Source: Administrative Office of the Courts

The bill's equity impacts cannot be reliably estimated as no detailed demographic data is available on arrests, charges, and sentencing for the offenses covered under the bill. The annual Uniform Crime Report published by DSP releases composite data on various firearm-related offenses but does not provide data on those offenses separately. Determining the actual racial equity impacts of the bill would require data that captures the demographic distribution of individuals charged with the specific offenses covered under the bill. Specifically, the data required includes race, ethnicity, gender, sex, age, and geographic data on individual arrests, charges, and convictions and other judicial outcomes.

While there is no data specifically related to the handgun offenses covered by the bill, it is known that Black or African American individuals are overrepresented in the State's incarcerated population. The Department of Public Safety and Correctional Services reports that for fiscal 2022, Black or African American individuals made up 71% of Maryland's prison population contrasted with their 29% share of the State's overall population. These statistics suggest that there is a high likelihood the bill's increased penalties will negatively impact Black or African American offenders to the extent that they are overrepresented in arrests, charges, and convictions for the offenses under the bill.

Conclusion

Due to the lack of comprehensive data, as discussed above, any racial or ethnic disparities or disproportionalities pertinent to this bill cannot be reliably estimated at this time. As a result, the equity impacts of the bill are indeterminate without more robust data.

Information Sources: Department of State Police; Department of Public Safety and Correctional Services; Administrative Office of the Courts; Department of Legislative Services

Analysis by: Dr. Jasmón Bailey

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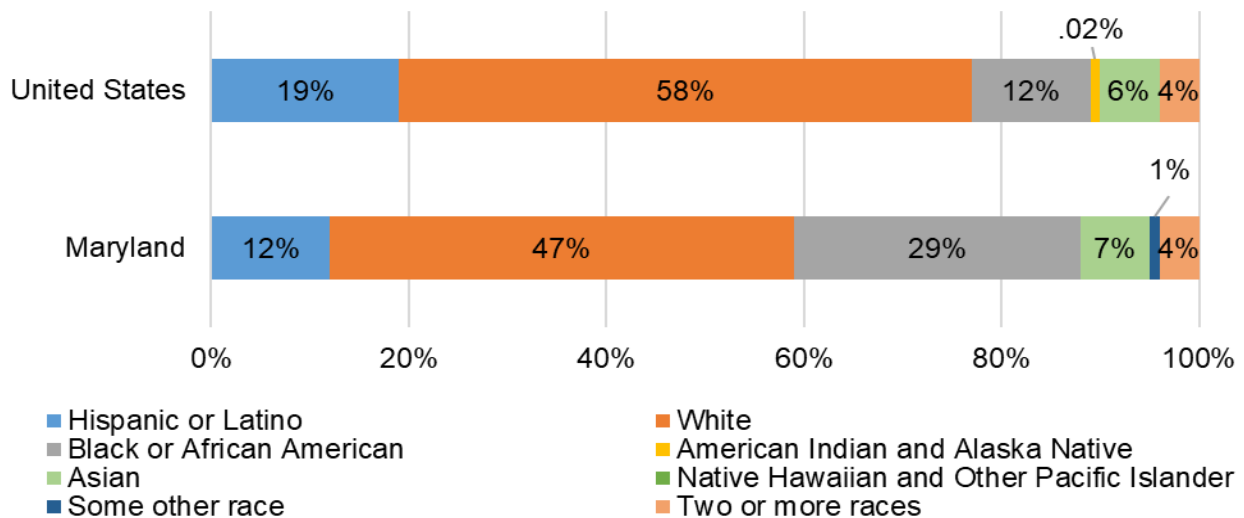
Appendix – Maryland Demographics

Race and Ethnicity of the Maryland Population

Maryland’s 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland’s racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as “other” and “multiracial” (*i.e.*, two or more racial identities), which total 5% of the State’s population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report “white” as their racial group. Despite this decrease, non-Hispanic whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State’s population.

Compared to the U.S. population overall, Maryland’s population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau’s [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as white alone compared to 58% of the national population. Similarly, 51% of the population identify as non-white or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-white population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.