



## **RESPONDING TO THE BRUEN DECISION**

### **Addressing Maryland's Public Carry of Firearm Process and Procedures**

In June of 2022, the U.S. Supreme Court ruled for the first time that the Second Amendment confers a constitutional right to carry a gun outside the home. Bruen voided a New York requirement that a concealed carry permit applicant demonstrate “proper cause,” or a special need for self-defense. In essence, the decision struck down “may-issue” permitting which allowed states discretion to grant or deny a permit based on subjective criteria that go beyond basic requirements like background checks.

In addition, Bruen rewrote the test lower courts defer to when evaluating the constitutionality of a gun law, directing that it must have a well-established analogue in American history. Specifically, the Court used the 77-year span from 1791, when the Second Amendment was ratified, to 1868, when the 14th Amendment was ratified.

### **How Maryland Law is Affected**

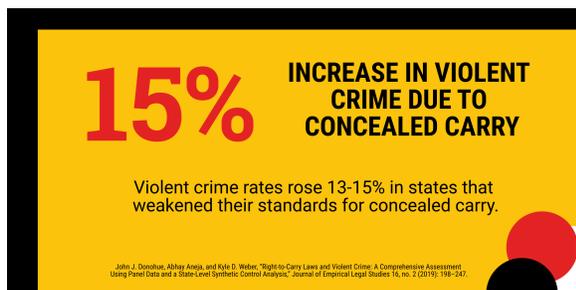
Maryland's structure for carrying firearms in public has a requirement similar to that in the NY law requiring

that an applicant needs to have a “good and substantial” reason for carrying a firearm in public. Maryland's status as a May-Issue state goes back at least 50 years. In addition to limiting the number of public carry permits in the state, this framework allowed Maryland State Police (MSP) to grant permits with restrictions so that the permit holder was only allowed to public carry in circumstances that met the “good and substantial” need, not all of the time.

There is a lot that the Supreme Court got wrong in the Bruen decision but we must operate within the restraints that it set forth. It is noteworthy however, that as recently as 1990 the vast majority of states were either “may-issue” or “no-issue” states. Only 11 states were “shall-issue” and only one state was permissless. That landscape is markedly different today, with only about 5 states having been able to hold onto their stricter “may-issue” status prior to the Bruen decision being handed down. Maryland was specifically called out by the Supreme Court as having a law affected by the ruling.

In the immediate aftermath of the decision, MSP lifted the restrictions on all current permit holders holding restricted permits. This immediately allowed thousands of permit holders to carry guns in spaces that they had not been allowed to carry the day before. In the months since the Bruen decision was handed down, MSP has seen more than [70,000](#) applicants

compared to around 12,000 during the previous year.



[Research](#) indicates that more guns in public spaces equals more gun violence. From accidental discharges, like the one that occurred at [Arundel Mills Mall](#) in October to [road rage incidents](#) like the one in Pikesville in November that claimed the life of a 29-year-old tow truck driver to [vigilante](#) deadly force being deployed by a scared shop owner against an unmarked police vehicle in December, guns carried into public spaces lead to more gun violence.

### What Needs to Happen Now

The legislative response to the Supreme Court's decision is to make sure that the people who are authorized to carry firearms into public spaces are adequately trained and determined by MSP to be people who do not demonstrate a propensity for violence. Even without the "good and substantial reason" language, Maryland's current public carry permitting statute allows for a background check and investigation into the applicant. The 2023 bills seek to tighten up the language and make sure that MSP has all of the tools they need to investigate a person

thoroughly and that the parameters for what disqualifies a person are made clear.

In addition, the Supreme Court emphasized that there are still spaces where the public carrying of firearms may be deemed inappropriate. The 2023 legislation seeks to codify those **SENSITIVE LOCATIONS**. Examples include:

- Airports & public transit
- Bars
- Healthcare facilities
- Childcare facilities
- Parks
- Youth sports facilities
- Public entertainment venues
- Exhibition facilities
- Gaming establishments
- Polling sites.

It is further proposed that owners of businesses open to the public need to expressly allow firearm carrying if they wish to do so.

### Related Legislation

It is also critical that we raise the standards by which we define responsible gun ownership by mandating that gun owners safely store their firearms to minimize risk to and by youth and unauthorized users, and to reduce gun theft.

See Safe Storage/Child Access Prevention (**Jaelynn's Law**.)