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THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

December 4, 2009

The Honorable Warren E. Miller
202 House Office Building
Annapolis MD 21401

Dear Delegate Miller:

You have asked for advice about State laws regarding the open carry of long guns. Generally, there is no prohibition against the open carry of a long gun in Maryland. There are, however, some exceptions to the general rule. Below is an overview of the applicable law.

Criminal Law Article § 4-101(c) prohibits a person from carrying a *concealed* "dangerous weapon." The definition of weapon under this provision excludes handguns, but would include a long gun. CR § 4-101(a)(5).¹ Nevertheless, a person cannot carry a dangerous weapon "openly with the intent or purpose of injuring an individual in an unlawful manner." CR § 4-101(c). Additionally, there is an exception for "an individual who carries the weapon as a reasonable precaution against apprehended danger, subject to the right of the court in an action arising under this section to judge the reasonableness of the carrying of the weapon, and the proper occasion for carrying it" CR § 4-101(b)(4).

State law also prohibits certain classes of individuals from carrying a firearm. Those persons include: individuals who have been convicted of a felony (CR § 5-622); respondents in domestic violence cases subject to protective orders where the judge has ordered such (FL §§ 4-505 and 4-506); an attendant accompanying a hunting dog being trained during off hunting season (NR § 10-413); persons using spotlights to cast lights with the attempt or intent to locate deer (NR § 10-416); persons with mental disorders (PS § 5-205); individuals who have been convicted of certain disqualifying crimes or are addicted to dangerous substances (PS § 5-133); inmates in a home detention program (COMAR 12.02.26.08); Patuxent Institution inmates on leave, work release or school release (COMAR 12.12.07.06; 12.12.28.05; 12.12.29.07); and offenders assigned to home detention (COMAR 12.13.01.08). Moreover, it is a separate crime

¹ Criminal Law Article § 4-203 addresses the carrying of handguns. The provision prohibits the open or concealed carry of a handgun, with certain exceptions. The exceptions allow certain authorized individuals to carry handguns such as law enforcement officers and persons holding a permit to wear, carry or transport a handgun. CR § 4-203(b).

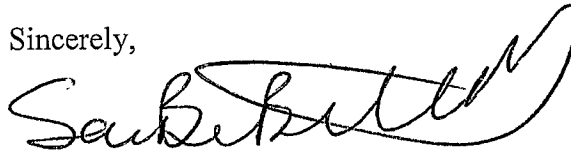
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for an individual, among other things, to carry a firearm related to criminal acts. *See, e.g.*, CR § 5-621 (drug trafficking crime); CR § 3-202 (assault); PS § 5-140 (gun trafficking).

State law also prohibits the carrying of firearms, including long guns, in certain places, except for authorized individuals such as law enforcement personnel. Those places are school property (CR § 4-102); within 1,000 feet of a demonstration in a public place (CR § 4-208); dredge boats – no more than “two shotguns not larger than a number ten gauge and using shot not larger than number one” (NR § 4-1013); legislative buildings (SG § 2-1702); an aircraft engaged in air commerce services (TR § 5-1008); lodging establishments where the owner reasonably believes the individual possesses property that may be dangerous to other individuals such as a firearm (BR § 15-203(a)); State public buildings and grounds (COMAR 04.05.01.03); Chesapeake Forest Lands (COMAR 08.01.07.14); State Forests (COMAR 08.07.01.04); State Parks (COMAR 08.07.06.04); State highway rest areas (COMAR 11.04.07.12); community adult rehabilitation centers (12.02.03.10); and, except for small centers located in residences, child care centers (COMAR 13A.16.10.04).

Please let me know if you need any other information.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Benson Brantley", with a large, stylized flourish at the end.

Sandra Benson Brantley
Assistant Attorney General