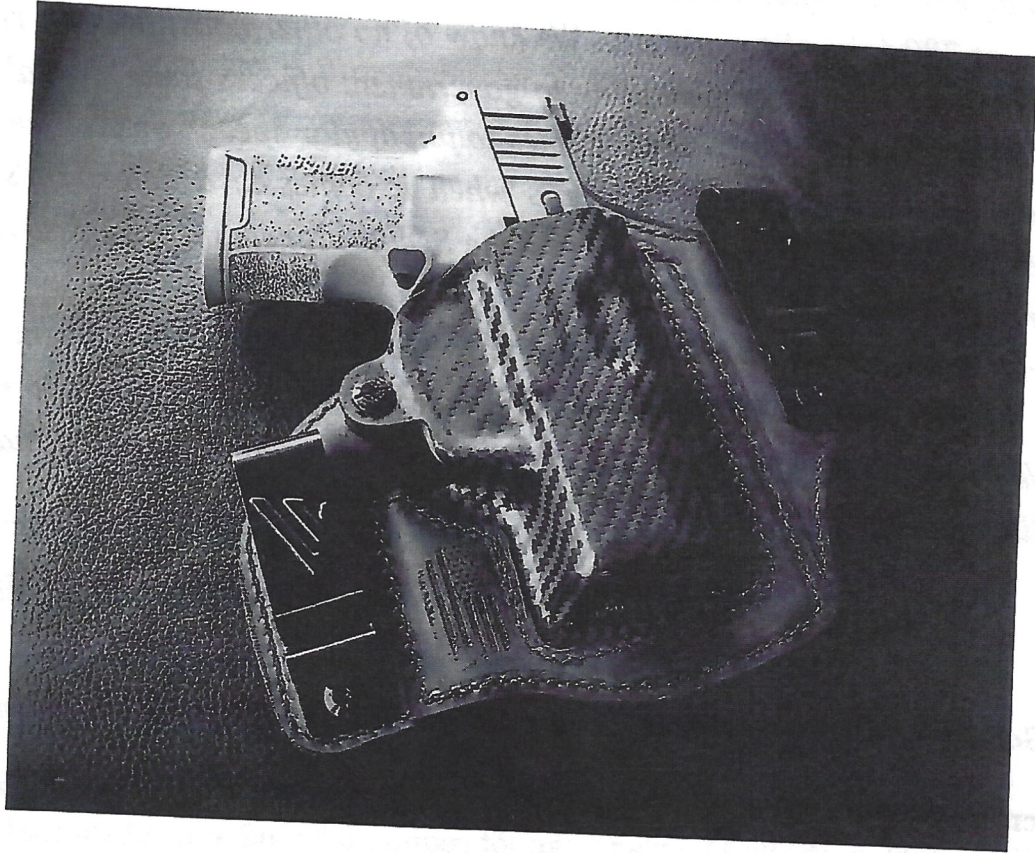


# Maryland Wear and Carry Permits



*Last updated 6/24/2022*

\* \* \*

On June 23, 2022, the United States Supreme Court rendered its opinion in *New York State Rifle and Pistol Association (NYSRPA) v. Bruen*, striking down as unconstitutional New York's "proper cause" requirement for issuance of a permit to carry a handgun. The Court confirmed what we've long believed to be true; that there exists a right to carry a handgun for self-defense beyond one's home. New York's "proper cause" requirement is indistinguishable from Maryland's "good and substantial reason" requirement for issuance of a carry permit. The opinion leaves no doubt that Maryland's "good and substantial reason" requirement is unconstitutional:



The constitutional right to bear arms in public for self-defense is not "a second-class right subject to an entirely different body of rules than the other Bill of Rights guarantees." McDonald 561 U. S., at 780 (plurality opinion). We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need. That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant's right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense.

New York's proper-cause requirement violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. We therefore reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with this opinion.

*-New York State Rifle & Pistol Association Inc. v. Bruen, 597 U.S. (2022)*

"Good and substantial reason" is unconstitutional and is therefore unenforceable. Full stop.

However, Maryland's other requirements for a carry permit are not directly affected by the decision in *NYSRPA v. Bruen*. While Maryland cannot require a "good and substantial reason" for permits, its training, fingerprinting, and background check requirements for a carry permit are still the law. *NYSRPA* did NOT convert Maryland (or any other state) into a "constitutional carry" state. Carry permits issued by Maryland are still required by law to carry a handgun in public. Maryland still does not recognize carry permits issued by any other state.

MSI recommends the following for those who want an unrestricted permit to carry a handgun in public:

- Take the required 16-hour Wear and Carry Permit training. You could be training exempt; scroll down to the **Training** section on this page to learn more. The Maryland State Police have a list of Instructors [HERE](#), but we also encourage you to visit our [2A-Friendly Businesses](#) section for available lessons. Click on the "Firearms Instruction" tab.
- Acquire [LiveScan fingerprinting](#) for a Wear and Carry Permit Application
- Make an account on the [State Police's Licensing Portal](#)
- Tab over to "HGP Applications" and select the green "START NEW HGP APPLICATION" button

Maryland State Police Licensing Portal

Use the dashboard below to start or continue an application, get status updates and other messages, manage your existing applications, or update your account settings and information.

77R APPLICATIONS   **HGP APPLICATIONS**   MSG APPLICATIONS   MESSAGES   ACCOUNT

Application #   Status   Accepted Date

NEW HGP APPLICATION

BACK TO HOME PAGE

- Under "Handgun Permit Category," select "Personal Protection / Category Not Listed Above," then underneath select which type of application this is (New, Renewal, Modification, etc... MSP describes the application types [HERE](#))

### Handgun Permit Category

Please select the Category(ies) most applicable to your current application.

- Owner or Employee of a Business - Submit photocopies of a Trader's License, Business License, or other legal document to prove the existence of the business or organization.
- Federal Employees or Contractors - Who possess an active "Top Secret" or higher security clearance.
- Assumed Risk Positions - Correctional Officers, Judges, State's Attorney, Assistant State's Attorney, and Elected Officials.
- Active or Former Law Enforcement - Law Enforcement (Active, Retired, or Resigned in good standing from a recognized law enforcement agency)
- Private Detective / Security Guard / Special or Railroad Police / Armored Car Driver or Guard - All applicants who are employed as Private Detectives, Security Guards, Special Police, and Railroad Police, must submit a certification of qualification with a handgun from a Maryland State Police Certified Handgun Instructor on an MSP form. A copy of the form letter supporting "good and substantial reasons," ownership of weapon, and location where the weapon will be maintained is also required. (This form can be obtained from your employer).
- Personal Protection / Category Not Listed Above - There must be documented evidence of recent threats, robberies, and/or assaults, supported by official police reports or notarized statements from witnesses.

Documentation may not be redacted, with the exception of personal identifiers of customers or other third parties. Additional documentation may be required to complete your investigation.

### Application Type

Please select one.

- Original (\$75.00)  Renewal (\$50.00)  Subsequent (\$50.00)  Replacement (\$10.00)  Modification (\$10.00)

- Complete the "Application Questionnaire" in full. At Question 15, "Reason for a Handgun Permit," enter "Self-Defense."

15. Reason for a Handgun Permit (Be Specific):

Self-Defense

12 / 2500

- Continue filling out the application in full (including requested references)
- At the "Documents" section, upload your passport-style photo and certificate of training completion or exemption.



- At "Personal Protection Documentation," upload the opinion from NYSRPA v. Bruen.

Required for Investigation Documents:

The document(s) listed here are required for completion of the Handgun Permit background investigation. Please be aware that providing these documents at the time your application is submitted may reduce the time needed to process your application.

+ ADD NEW DOCUMENT		
Document Type	Description	File Name
PERSONAL PROTECTION DOCUMENTATION	THERE MUST BE DOCUMENTED EVIDENCE OF RECENT THREATS, ROBBERIES, AND/OR ASSAULTS, SUPPORTED BY OFFICIAL POLICE REPORTS OR NOTARIZED STATEMENTS FROM WITNESSES.	20-843_7J80.PDF
		✖ REMOVE

- Complete the application, pay the required fees, and submit.

If you already have a permit, but it has restrictions, request a modification (\$10 fee) to an unrestricted permit citing "Self-Defense" and attach the opinion from NYSRPA v. Bruen. The same goes for those who've already submitted an application and are waiting for MSP action. If you've been disapproved of a permit for lack of "good and substantial reason" and are within the time frame to request an Informal Review with the State Police, do so and again, state you are seeking it for "Self-Defense" and cite NYSRPA v. Bruen.

Read on below for more on how Maryland Wear and Carry Permits work.

\* \* \*

Maryland has a **blanket ban** on the carriage and transport of handguns within the state, with exceptions. One of those exceptions is for those who've been issued a license, known as a Wear and Carry Permit, which is required to be able to lawfully carry a handgun concealed or openly in public for self-defense. This permit is described in State law under Maryland Public Safety Article §§ 5-301 through 5-314 and is issued by the Maryland State Police (MSP) through its Licensing Division (MSPLD). Applicants for a permit must satisfy several requirements before being considered qualified. The process typically takes **at least 90-days** for most applicants and unlike the vast majority of other places within the United States, Maryland is one of only eight states where applicants must demonstrate "good and substantial reason," or a special need to be granted a license or permit to carry a handgun in public. Forty-two states, the District of Columbia, and Puerto Rico issue permits to carry to all those able to pass a background check without any such need. Furthermore, as of 2021, 25 states require no permit at all to legally carry a concealed firearm in public.

"Good and substantial reason" has been the subject of decades worth of litigation and debate, but for now, those who the MSP generally deem to have it are business owners and endorsed employees, those with top-secret clearances, some public figures (lawmakers, for example), law enforcement officers, private detectives, and others. Victims of targeted crime or who have specific threats of violence against them might also be eligible for a permit. Though carry permits are rare in Maryland, with between only 24,000 to 27,000 or so being active at any given time, they are not entirely impossible to acquire and Maryland Shall Issue has been successful in helping many applicants get their permits.

Of course, as Bruen now holds, the State Police may not require any "good and substantial reason" before issuing a permit. The decision makes clear that law-abiding, responsible adults have a constitutional right to protect themselves with a handgun, which is the "quintessential self-defense" weapon, as the Supreme Court held in District of Columbia v. Heller (2008). While we believe that the Court's holding in Bruen is clear, I am currently a party in Calley v. Long, which is a challenge in the federal court system.



permitting scheme. This case is currently before the US Court of Appeals for the Fourth Circuit and was being held in abeyance (on pause) pending the outcome of New York State Rifle and Pistol Association v. Bruen. Now that *Bruen* has been decided, that case will proceed. Maryland need only announce that it will comply with *Bruen*. If Maryland refuses to follow *Bruen*, the litigation in *Call* is designed to force that result upon Maryland through an injunction. We are hoping that Maryland will yield and not force the issue. But, if they do we will not hesitate to enforce the Court's ruling in *Bruen* in Maryland.

Not an MSI member yet? [Join here!](#)

## Who is Eligible for a Permit?

Applicants for a Wear and Carry Permit must be at least 21 years of age and not be prohibited by state or federal law from possessing firearms.

The Maryland State Police Licensing Division (MSPLD) recognizes the following categories of people as having "good and substantial reason" to be issued a permit:

### *Responsible, "Law-Abiding" Persons Not Prohibited from Possessing Firearms*

The right to carry a handgun for self-defense is all the reason one needs to apply for a permit.

**\*The below groups are typically issued permits under Maryland's unconstitutional "good and substantial reason" scheme.\***

### *Businesses Owners and Certain Endorsed Employees*

Business owners are typically issued permits upon demonstrating that they operate an active business. This usually requires the applicant to have a business bank account and can show that it is conducting business transactions and deposits. An applicant might also be someone who has been endorsed by their employer for a permit based on the nature of the work they do, such as picking up or depositing cash or other goods and valuables.

### *Assumed Risk Professionals*

Judges, prosecutors, defense attorneys, and other professionals who could be targeted because of the dangers involved with their work.

### *Top-Secret Clearance Holders*

Those with active top-secret government clearances are generally eligible so long as they are able to prove they hold such a clearance.

### *"Personal Protection"*

Those who can document (with police reports or protective orders) that they are specifically at risk of imminent danger or targeted by others wishing to do them harm.

### *Bail Bondsmen, Security Guards, Special Police, Private Detectives, Armored Car Drivers, and Private Security Officers*

Those with these tasks and jobs are typically eligible for carry permits so long as they are able to verify with documentation the work and duties they perform.

## Training

Maryland Wear and Carry Permit Training must be completed *before* submission of an application. Under Md. Public Safety Art. § 5-306, these classes must consist of material on state firearm law, home firearm safety.



handgun mechanisms and operation, and a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm. Unless otherwise exempt from the training requirements, an applicant must get this training from a MSP Qualified or Certified Handgun Instructor and complete a 16-hour training course for an initial application with a minimum 70% accuracy rating by the applicant during the live fire portion of the class. These classes often run anywhere from \$250 to \$400 and up. An 8-hour course will be required upon renewal of an issued permit. Maryland permits are valid for two years for the first permit and for three years for renewals.

We encourage you to visit our 2A-Friendly Businesses section for available instruction. Click on the "Firearm Instruction" tab.

Wear and Carry Permit Course of Fire (See Basic Practical Handgun Course on page 3)  
Certified Qualification Score Sheet

### *Who is training exempt?*

- a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State
- a member, retired member, or honorably discharged member of the armed forces of the United States or National Guard
- a qualified handgun instructor

## Submitting the Application

Applications for Wear and Carry Permits can only be submitted online via the Maryland State Police Licensing Portal: <https://bit.ly/3rrg136>

~~"Good and substantial reason" must be addressed in the application with additional documentation written by the applicant. It is better to provide an over-abundance of information rather than too little – attachments for this section are encouraged!~~

Also required with the submission of the application:

- Proof of training or training exemption
- LIVESCAN fingerprints receipt
- A non-refundable application fee of \$75 paid via credit or debit card
- A recent passport-style photo
- Contact information of current spouse, significant other, co-inhabitant, or most recent partner within the last five years
- Contact information of at least three unrelated references who've known the applicant for at least two years

If using "Self-Defense" as your justification for the permit, upload the opinion from NYSRPA v. Bruen.

If the initial background checks go well, the applicant will then have a face-to-face interview with an MSP trooper or investigator who will ask a variety of personal questions. The interviewer will talk with contact references and will make a recommendation concerning the permit application. Then, the Licensing Division will issue their final determination and advise the applicant.

## Appeals Process



For those denied outright by the MSP, or if a permit contains unacceptable restrictions, options are available to seek the issuance or modification of a permit. Within 10 days of denial, one must appeal in writing to either the MSP to ask for an "Informal Review" or to the Maryland Office of Administrative Hearings (OAH). Appeals may also be taken to the OAH within 10 days of any decision of the MSP after an Informal Review.

### *Maryland State Police Informal Review*

The MSP will allow applicants to present any further information regarding their denial to more senior management within the Licensing Division. Unless provided significant new information at that time, it is unlikely MSP's initial decision is affected.

### *Maryland OAH Formal Appeal*

OAH hearings are run by Administrative Law Judges (ALJs) and are quasi-formal trials with rules and procedures. Additional evidence can be submitted at these hearings. In an OAH proceeding, the focus is on whether the MSP's decision *should be sustained* and the applicant bears the burdens of proof and persuasion. The ALJ gives deference to the MSP's determination. An attorney is not legally required but is necessary as a practical matter. Decisions of the ALJ can be appealed to circuit court.

## **Places and Times In Which Firearms Can Not Be Legally Carried by a Permit Holder**

- On public school property - Md. Criminal Law § 4-102, Md. Criminal Law § 4-203(a)(1)(iii)
- With the deliberate purpose of injuring or killing another person - Md. Criminal Law § 4-203(a)(1)(iv)
- While under the influence of alcohol or drugs - Md. Public Safety § 5-314
- When not in physical possession of the issued permit - Md. Public Safety § 5-308
- Outside of any restrictions placed upon the issued permit - Md. Public Safety § 5-307
- Aboard any vehicle or inside any building under the control of the Maryland Transit Administration (MTA) - Md. Transportation § 7-705(b)(6)
- Within 1,000 feet of a demonstration in a public place after being notified by law enforcement that guns cannot be carried - Md. Criminal Law § 4-208
- In or around State-owned public buildings and grounds - COMAR 04.05.01.03
- Inside State legislative buildings - Md. State Government § 2-1702(e)(2)
- Aboard aircraft engaged in certified air commerce - Md. Transportation § 5-1008
- An innkeeper may refuse to provide lodging or services to or may remove from a lodging establishment an individual where the innkeeper reasonably believes the individual possesses property that may be dangerous to other individuals, such as firearms or explosives - Md. Business Regulation § 15-203(a)(6)
- On dredge boats, other than two 10-gauge shotguns - Md. Natural Resources § 5-1013
- Chesapeake Forest lands, except at designated shooting ranges and when legally hunting - COMAR 08.01.07.14
- State Forests, except at designated shooting ranges and when legally hunting - COMAR 08.01.07.04
- State Parks, except at designated shooting ranges and when legally hunting - COMAR 08.07.06.04
- State Highway rest areas, when displayed - COMAR 11.04.07.12
- In community adult rehabilitation centers - COMAR 12.02.03.10(h)(9)
- In child care centers, except for small centers located in residences - COMAR 13A.16.10.04
- If under a proclaimed State of Emergency by the Governor when the Governor has issued orders, rules, regulations controlling the possession, carry, use, and/or sale of firearms - Md. Public Safety § 14-303(f)



Additionally, Md. Criminal Law § 4-209 gives local jurisdictions narrow authority to create their own prohibitions on where firearms may be carried or possessed and by whom. Permit holders should be aware of Md. Criminal Law § 4-206, which guides how law enforcement officers may determine whether an individual is armed legally.

Unlawfully carrying a handgun in violation of Md. Criminal Law § 4-203(a)(1)(i) is also a strict liability crime which means there is no requirement that the individual knowingly or willfully carried in violation of the law. For more on this, read our article on the recent Maryland Court of Appeals case *Lawrence v. State* [HERE](#).

## Reciprocity

Maryland *does not recognize* the permits of any other state or American territory. Residents of other states can apply for a Maryland permit, ~~but this usually requires them to demonstrate a nexus with the state, such as conducting business or having another sort of relationship with the state.~~ Many states however do recognize Maryland permits and some states will issue their permit to a Maryland resident who holds a Maryland Wear and Carry permit. See the [HandgunLaw.us](#) page for [Maryland](#) for more information on reciprocity.

## History

It was not until 1809 that Maryland prohibited any carry of weapons, but that legislation criminalized only the carrying of a weapon “with the intent feloniously to assault any person.” [Archives of Maryland 570:94](#). Any carry, concealed or open, with no permit required, was still legal as long as it was without felonious intent. In 1831, in reaction to the Nat Turner Rebellion in Virginia, Maryland enacted a statewide law that requires free blacks (only) to obtain a license from a local court for possession or carry (open or concealed) of firearms. [Archives of Maryland 213:448](#). Maryland did not ban any type of carry for other citizens until 1866, when it banned concealed carry, but still allowed open carry. [Archives of Maryland 389:468-9](#). This law was likely passed as a result of the assassination of President Lincoln in 1865, and the abolition of slavery at the 1864 Maryland Constitutional Convention. Since blacks could no longer be directly legislated against, the 1831 law was dropped and the concealed carry prohibition was made general – but could be selectively enforced.

In 1884, Maryland changed its law to once again permit concealed carry, providing that concealed carry was illegal only when arrested and charged with another crime. [Archives of Maryland 390:522-3](#). That approach likewise allowed discriminatory enforcement. The most likely reason for this enactment was that it was thought that 1866 total ban was unconstitutional. In 1904, after more than 300 years of legal concealed carry for non-black Maryland citizens, with no permit required, concealed carry is again made illegal in Maryland, but this time with the exception for “carrying such weapon as a reasonable precaution against apprehended danger.” [Archives of Maryland 209:4025-6](#). The exception again allowed selective enforcement, while keeping it from being a total ban. It was not until 1972 that open or concealed carry of handguns was banned without a permit from the State Police. [Archives of Maryland 708:48-51](#). This law was likely a reaction to the Baltimore Race Riots of 1968, and is strikingly similar in its licensing requirements to the 1831 legislation that licensed carry by freed blacks.

The common thread that runs throughout this history is racist fears. This history matters legally because, as discussed above, the appropriate test under the Second Amendment is one of text, history and tradition. That is precisely the test adopted by the Supreme Court in *Bruen*. Maryland’s history is typical of gun control nationwide. See Clayton E. Cramer, *The Racist Roots of Gun Control*, 4 Kan. J.L. & Pub. Pol’y 17, 20 (1995) (“The various Black Codes adopted after the Civil War required blacks to obtain a license before carrying or possessing firearms or bowie knives .... These restrictive gun laws played a part in provoking Republican efforts to get the Fourteenth Amendment passed.”). That reality was also noted in *Heller*, 554 U.S. at 614–16,



and by Justice Thomas in concurring in McDonald v. City of Chicago, 561 U.S. at 844-847. That is a legacy of shame. Law-abiding persons of all races, not just the privileged few, should be allowed to protect themselves legally.

You can read the bill file from the 1972 handgun control legislation that ushered in Maryland's modern restrictions on carrying handguns in public [HERE](#).

### *Lawsuits*

NOTE: The cases here refer to the Handgun Permit Review Board, a quasi-judicial body created by the 1972 legislation that established MD's permitting system. The board's existence was eliminated as a result of legislation in 2018. MSI had requested a veto from Governor Larry Hogan, who denied the request.

Snowden v. Handgun Permit Review Board, 413 A.2d 295, 45 Md.App. 464 (Md. App. 1980) - Upholding a reading of "good and substantial reason" to mean that the applicant bears the burden of demonstrating specifically why they need to carry a handgun more than their personal anxiety or say-so.

Scherr v. Handgun Permit Review Board, 163 Md.App. 417, 880 A.2d 1137 (Md. App. 2005) - Re-affirming the Court of Special Appeals's prior holdings in Snowden, and additionally rejecting 2nd Amendment arguments in support of the right to keep and bear arms.

Woollard v. Gallagher, 712 F.3d 865 (4th Cir. 2013) - Upholding Maryland's requirement that an applicant for a carry permit demonstrates a "good and substantial reason" for issuance of a permit.

Whalen v. Handgun Permit Review Board (Md. App. 2020) - Unreported opinion where the Court of Special Appeals agreed with a lower court that plaintiff did not establish a 2nd Amendment claim before the Handgun Permit Review Board in his initial appeal and could not bring it before the court. The court also agreed with the board's finding that the applicant lacked a "good and substantial reason" for issuance of a permit. This case was dismissed.