



State of West Virginia
Office of the Attorney General

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The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

Dear Governor Hogan:

I write to you as the West Virginia Attorney General regarding an important matter for the citizens of my State. West Virginians desire to exercise their constitutional rights to publicly carry firearms when traveling to or through our neighboring State of Maryland. In light of the Supreme Court's decision in *New York State Rifle & Pistol Association v. Bruen*, now is the appropriate time to address this concern and adopt a solution consistent with the U.S. Constitution.

Maryland has been one of seven "may issue" jurisdictions, like New York, that limit the free exercise of the right to public carry for self-defense. Also, Maryland has not extended reciprocity to West Virginians with concealed handgun licenses via agreement or by statute. The result is that West Virginians have not been able to exercise the right to public carry when crossing the border between our States. For citizens of my State who live near Maryland, work in Maryland, or commute through Maryland, this issue has been especially problematic and worrisome.

In *New York State Rifle & Pistol*, however, the Supreme Court held that a "may issue" permitting regime violates the Second Amendment, and squarely held that all Americans have a right to public carry for self-defense. The Court held, "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." Op. 63. The Court further held, in no uncertain terms, the Second Amendment guarantees the "right to 'bear' arms in public for self-defense." Op. 24. The Court even indicated a "shall issue" permitting regime can violate the Second Amendment if "lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry." Op. 30 n.9.

The dictates of the Court's decision are clear. Through one means or another, Maryland must now afford West Virginians a way of publicly carrying in Maryland for self-defense.

As Maryland adjusts its laws to comply with the Supreme Court's decision, the best option to resolve the issue with respect to West Virginians would be for Maryland to grant reciprocity to those who have valid West Virginia concealed handgun licenses. As an alternative, Maryland could provide West Virginians with the ability to timely and inexpensively obtain Maryland permits, using objective licensing requirements like those used by the 43 "shall issue" States.

As information, West Virginia has two distinct classes of concealed handgun licenses issued under the authority of two separate statutes, to-wit: (a) West Virginia license to carry deadly weapons, specifically only for pistols and revolvers, issued to qualified persons 21 years of age or older, pursuant to W. Va. Code § 61-7-4 (termed a "Concealed Handgun License"); and (b) West Virginia provisional license to carry deadly weapons, specifically only for pistols and revolvers, issued to qualified persons at least 18 but not yet 21 years of age, pursuant to W. Va. Code § 61-7-4a (termed a "Provisional Concealed Handgun License").

The Maryland State Police have previously indicated that neither class of West Virginia licenses will be recognized as valid in your State. I respectfully request a new review of West Virginia's licensing statutes (attached for your convenience) to determine whether any changes in your state laws, regulations, or related circumstances could allow for recognition of one or both classes of West Virginia concealed handgun license, especially in light of the *New York State Rifle & Pistol* decision.

Recognizing West Virginia licenses makes the most sense. Provisions in the West Virginia Code ensure reliable risk identification (prior to issuance and going forward) and operational safety for concealed handgun licensees. These include applicant identifiers including Social Security number, physical description, and place of birth; photo of the licensee; statutory license prohibitions (including alcohol abuse, substance addiction, DUI convictions, felony convictions, misdemeanor conviction for crimes of violence or domestic violence, adjudication for mental incompetence, current felony indictment, and federal prohibitions under 18 U.S.C. § 922 (g) and (n)); and mandatory background check via NICS and other reliable identification databases.

It would be mutually beneficial for our States to reach a concealed handgun license reciprocity agreement, and my office is prepared to work with Maryland on this at any time. In the alternative, West Virginians are entitled to some avenue by which they may exercise the right to public carry for self-defense in Maryland. My constituents have expressed significant concerns with an inability to protect themselves while commuting through or visiting your State, and I take this matter seriously. If you have any additional questions or concerns, please do not hesitate to contact me at (304) 558-2021. Thank you in advance for your consideration and response to this issue.

Sincerely,



Patrick Morrissey
West Virginia Attorney General