

Circuit Court for Harford County
Case No. C-12-CR-22-000281

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1310

September Term, 2022

STATE OF MARYLAND

v.

CORDELL NIJIL DAVIS

Graeff,
Tang,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

Opinion by Graeff, J.

Filed: July 22, 2026

*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for persuasive value only if the citation conforms to Md. Rule 1-104(a)(2)(B).

Cordell Nijil Davis, appellee, was indicted in the Circuit Court for Harford County on several counts relating to the possession of a loaded handgun in a vehicle and on his person. Appellee filed a motion to dismiss the handgun charges, arguing that they were invalid under the Second Amendment of the United States Constitution. After a hearing, the court granted appellee’s motion and dismissed the handgun charges.¹

On appeal, the State presents the following questions for this Court’s review, which we have rephrased slightly, as follows:

1. Did the circuit court err in granting appellee’s motion to dismiss when he lacked standing to challenge the permit-qualification provision of Maryland’s handgun-carry statute?
2. Did the circuit court err in granting appellee’s motion to dismiss when the (former) unconstitutional “good and substantial reason” provision of the handgun permitting statute could be severed from the remainder of the statute?

For the reasons set forth below, we shall reverse the judgment of the circuit court.

FACTUAL AND PROCEDURAL BACKGROUND

The facts in this case are not in dispute and were set forth in Trooper First Class Isaac Caraway’s statement of probable cause, as follows:

On 10/13/2021 Corporal Harten #1581 of the Maryland State Police JFK Highway Barracks conducted a traffic stop for a speed violation on a red 2009 Jaguar NC# RCY8316 northbound on Interstate 95 at the 85.3 mile marker. Upon contact with the operator, he observed a tan Springfield Armory XD handgun (Serial # AT227907) in plain view placed on the dash board. At which time he secured the firearm and requested additional units to respond. Upon my arrival, I observed Corporal Harten standing at the driver’s side window talking with the operator later identified as Cordell Nijil

¹ Appellee also was charged with speeding, but the State entered a nolle prosequi on that charge after the court dismissed the handgun charges.

Davis I observed the handgun sitting on the roof. After having both subjects exit the vehicle they were both detained for further investigation. The passenger was identified as Taneara A. Sills While securing the handgun I observed it to be fully loaded with 14 10mm bullets in the magazine. Davis advised that he does not have a concealed carry firearm permit or any documentation permitting him to carry a firearm.

While speaking with Sills, she advised that she had marijuana located in her purse within the vehicle. Due to her admission to having CDS located in the vehicle a probable cause search was conducted. A complete search of the vehicle revealed a clear plastic baggie containing 22.9 grams of marijuana located in a tan purse on [the] back left passenger side floor board. At 0922 hours, Davis was placed under arrest for possession of a firearm. At 0943 hours, both subjects were transported to the Maryland State Police JFK Highway barracks for processing.

* * *

I contacted the Maryland Gun Center who conducted a search through MAFSS for the handgun which revealed that Davis did not have any firearms registered in his name. The Gun center confirmed that Davis does not have a permit to carry a firearm. The firearm and CDS was processed and packaged per MSP policy and Davis was later transported to IPC in Harford county.

The State charged appellee with four handgun possession violations pursuant to Md. Code Ann., Criminal Law (“CR”) § 4-203(a)(1) (2021 Repl. Vol.).² Appellee filed a motion to dismiss the handgun charges, alleging that they were “in direct conflict with the Second Amendment of the United States Constitution.” He argued that Maryland’s permitting statute, Md. Code Ann., Pub. Safety (“PS”) § 5-306 (2022 Repl. Vol.), “ha[d] been eviscerated” by *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022) and “deemed unconstitutional.” Appellee asserted that his conduct was “presumptively

² Appellee was charged with carrying a handgun on his person, carrying a loaded handgun on his person, carrying a handgun in his vehicle, and carrying a loaded handgun in his vehicle. Md. Code Ann., Crim. Law (“CR”) § 4-203(a)(1)(i),(ii), & (v) (2021 Repl. Vol.).

protected by the Second Amendment,” and the State could not “meet its burden of showing that [CR § 4-203] [was] consistent with the Nation’s historical tradition of firearm regulation.” The State did not file a written response to appellee’s motion to dismiss.

I.

Hearing on Motion to Dismiss

On September 28, 2022, the court held a hearing on the motion to dismiss. Appellee argued that CR § 4-203 was unconstitutional under the two-part test established in *Bruen*. He stated that, under *Bruen*’s two-part test, he had the burden of proving that his conduct fell within the scope of the Second Amendment, which he did by demonstrating that he was carrying a handgun in public for self-defense. He asserted that it was then the State’s burden to “provide the history as to where the prohibited conduct in this case under 4-203 is in align[ment] with history.”

With regard to the intersection of CR § 4-203 and § PS 5-306, appellee contended that “the Public Safety Article ha[d] been eviscerated by *Bruen*,” and at the time of the stop, he could not have obtained a handgun permit because, “to begin with,” he was not a resident of Maryland. He argued that the State would not be able to demonstrate a historical policy reason to justify prohibiting him from carrying a handgun in his vehicle for self-defense.

The State argued that *Bruen* invalidated only the subjective “good and substantial reason” provision of Maryland’s permitting scheme, and it did not hold that all regulations relating to the wear, carry, and transport of handguns were prohibited. It explained that the

“good and substantial reason” section was a “very small” provision in an otherwise “very lengthy and intensive” permitting process, and it noted that Justice Alito’s concurring opinion in *Bruen* stated “that many state restrictions requiring background checks, firearms training, a check of mental health records, [and] fingerprinting are still permissible because they are objective.” The State argued that, to raise the permitting defense set forth in CR § 4-203(b), a defendant must have applied for a permit under PS § 5-306, which involves submitting a lengthy application, undergoing a background check, listing references, and completing a training course. Appellee did not attempt “to avail himself of a permit” prior to the stop.

The State contended that *Bruen* did not render unconstitutional the entire regulatory scheme. Rather, it prohibited enforcement of the unconstitutional “good and substantial reason” provision while allowing the other provisions, which had constitutional, objective criteria, to remain in place. It acknowledged that, if appellee could show that he applied for a permit and met all the other permitting requirements, but was denied based on a failure to show a good and substantial reason, “that would be a different argument.” Appellee, however, should not “get a free pass because a small section of the regulatory scheme was found to be unconstitutional.” The State agreed that appellee was not disqualified from possessing a firearm under PS § 5-133(a) or (b), which prohibit individuals from possessing a firearm if they, among other things, have been convicted of certain crimes, have certain mental health conditions, have addictions to drugs or alcohol, are on probation for certain offenses, or are fugitives. PS § 5-133(a), (b).

In reply, appellee stated that requiring him to show that he could have acquired a permit but for the “good and substantial reason” provision was “hypothetical and just pure speculation,” and such a requirement imposed an unfair burden on him. Appellee asserted that severance of the “good and substantial reason” provision would not render the statute constitutional, and “[i]f the statute is unconstitutional today, it was unconstitutional” on the date of his arrest.

In granting the motion to dismiss, the court stated that, under *Bruen*, the good and substantial reason provision in PS § 5-306 was unconstitutional under the Second and Fourteenth Amendment. It recognized that appellee did not even attempt to get a permit, but it questioned why a citizen should “be forced to comply with an unconstitutional regulatory scheme” and how it could “be a crime to fail to comply with an unconstitutional prerequisite to carry a gun.” After the court dismissed the gun charges, the State not pressed the speeding charge.

This appeal followed.

STANDARD OF REVIEW

This Court ordinarily reviews a circuit court’s decision on a motion to dismiss an indictment for abuse of discretion. *Vanderpool v. State*, 261 Md. App. 163, 196, *cert. denied*, 487 Md. 461 (2024). When the circuit court’s ruling on a motion to dismiss involves “an interpretation and application of Maryland constitutional, statutory, or case law,” however, we “determine whether the trial court’s decision was ‘legally correct’ under a *de novo* standard of review.” *Id.* (quoting *Kimble v. State*, 242 Md. App. 73, 78 (2019)).

DISCUSSION

The State contends that the circuit court erred in dismissing appellee’s handgun charges for two reasons. First, it argues that appellee lacked standing to bring a Second Amendment challenge to the permit qualification provision of PS § 5-306 because he did not apply for a handgun permit or seek review of the permitting scheme in advance of his arrest. Second, it asserts that, even if appellee did have standing, the “good and substantial reason” provision of Maryland’s permitting scheme could be severed from the rest of the statute, “preserving the remainder of the handgun-permit statute and Davis’s culpability at the time he committed the crimes.”

Appellee contends that the circuit court correctly granted his motion to dismiss the handgun charges on the ground that they violated his Second and Fourteenth Amendment rights. He contends that *Bruen* invalidated the permitting scheme referenced in the statute, and the State did not meet its burden of demonstrating that CR § 4-203 was “consistent with the Nation’s historical tradition of firearm regulation” as required by *Bruen*.

With regard to standing, appellee argues that the State waived the issue because it did not raise it at the suppression hearing. Regardless, appellee contends that he is not challenging the permitting scheme; rather, he is challenging CR § 4-203, the provision he was charged with violating. He asserts that, because he “is not being prosecuted for violating the permit qualification statute,” his failure to apply for a permit and the severability of the “good and substantial reason” requirement are irrelevant to the constitutional analysis of CR § 4-203.

At the time of appellee’s arrest, CR § 4-203 provided, in relevant part, as follows:

(a)(1) Except as provided in subsection (b) of this section, a person may not:

- (i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;
- (ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;
- (iii) violate item (i) or (ii) of this paragraph while on public school property in the State;
- (iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or
- (v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.³

Section 4-203(b) sets forth exclusions to the prohibitions of § 4-203(a), including:

- (2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article.⁴

I.

Good and Substantial Provision

At the time of the offenses, PS § 5-307 provided, in relevant part, that “[a] permit is valid for each handgun legally in the possession of the person to whom the permit is issued.” PS § 5-307(a). The version of PS § 5-306 effective at the time of the appellant’s

³ Although the General Assembly amended CR § 4-203 in 2023, § 4-203(a) remained unchanged.

⁴ The General Assembly has since amended CR § 4-203(b)(2), effective October 1, 2023, to eliminate the phrase “in compliance with any limitations imposed under § 5-307 of the Public Safety Article.” 2023 Md. Laws Ch. 680.

offense listed the qualifications for obtaining a handgun permit. In relevant part, the statute required the permitting agency to find, based on an investigation, that the applicant had “*good and substantial reason* to wear, carry, or transport a handgun, such as a finding that the permit [was] necessary as a reasonable precaution against apprehended danger.” PS § 5-306(a)(6)(ii) (emphasis added).

In *Bruen*, the Supreme Court of the United States held that the Second and Fourteenth Amendments to the United States Constitution “protect an individual’s right to carry a handgun for self-defense outside the home.” 597 U.S. at 10. This Court summarized the holding in *Bruen*, as follows:

The case arose from a challenge to the constitutionality of New York’s licensing regime, which made it a crime to possess any firearm without a license, and provided that, to obtain a license to carry a concealed gun, the applicant must show “proper cause.” The “proper cause” requirement had been interpreted to require an applicant to “demonstrate a special need for self-protection distinguishable from that of the community.”

The Court stated that, if “the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.” The Court held that the plain text of the Second Amendment, which provides that “the right of the people to keep and bear Arms, shall not be infringed,” protects an individual’s right to carry handguns publicly for self-defense. Based on that plain language, the government had the burden to justify any regulation on handguns by showing that it was “consistent with this Nation’s historical tradition of firearm regulation.” The Court acknowledged that “the right to keep and bear arms in public has traditionally been subject to well-defined restrictions governing the intent for which one could carry arms, the manner of carry, or the exceptional circumstances under which one could not carry arms.” It concluded, however, that the “historical record compiled by respondents does not demonstrate a tradition of broadly prohibiting the public carry of commonly used firearms for self-defense” or “limiting public carry only to those law-abiding citizens who demonstrate a special need for self-defense.” Accordingly, the Court held that New York’s proper cause licensing requirement was unconstitutional.

Hicks v. State, ___ Md. App. ___, ___, 2026 WL 1601794, at *6 (June 4, 2026) (in banc) (citations omitted).

After *Bruen*, this Court held that the “good and substantial reason” requirement of PS § 5-306(a)(6)(ii) was unconstitutional. *In re Rounds*, 255 Md. App. 205, 212 (2022). In 2023, the General Assembly amended PS § 5-306 to remove the “good and substantial reason” requirement. 2023 Md. Laws Ch. 651. The amended version took effect on October 1, 2023. Accordingly, Maryland is now a “shall issue” state. *Hicks*, 2026 WL 1601794, at *7.

Appellee contends that, at the time of the incident, Maryland’s permitting scheme, which contained the “good and substantial reason” prerequisite, was unconstitutional, and CR § 4-203, which rested on that scheme, was also unconstitutional. The State responds that the appellant lacked standing to challenge CR § 4-203 because he never applied for a handgun permit. Assuming he had standing, the State argues that the “good and substantial reason” language invalidated by *Bruen* is severable, and the permit-qualification statute remains valid, leaving in place a permitting scheme that made the appellant’s conduct criminal under CR § 4-203.

We recently addressed this issue in *State v. Fields*, ___ Md. App. ___, ___, 2026 WL 1905859, at *16 (July 2, 2026). In that opinion, we assumed, without deciding, that the appellant had standing to challenge his conviction under CR § 4-203. *Id.* We shall adopt the same approach here and focus our analysis on the severability issue. *See id.* at *16.

In *Fields*, we explained that

there is “a strong presumption ‘that a legislative body generally intends its enactments to be severed if possible.’” *Engage Armament LLC v. Montgomery Cnty.*, 494 Md. 1, 51, 356 A.3d 79 (2026) (quoting *Sugarloaf Citizens Ass’n. v. Gudis*, 319 Md. 558, 574 (1990)). The Court stated that “[t]he test to determine whether a provision is severable is if a legislative body would ‘have enacted the statute or ordinance if it knew that part of the enactment was invalid[.]’” *Id.* (quoting *Cnty. Council of Prince George’s Cnty. v. Chancey Enters.*, 454 Md. 514, 540 (2017)). “When the dominant purpose of an enactment may largely be carried out notwithstanding [its] partial invalidity, courts will generally hold the valid portions severable and enforce them.” *Id.* (quoting *O.C. Taxpayers for Equal Rts. v. Mayor of Ocean City*, 280 Md. 585, 600 (1977)). *Accord Balt. City Bd. of Elections v. Mayor of Balt.*, 489 Md. 465, 511 (2025).

Id.

We concluded that the legislative intent regarding severability was clear based on Section 1-210 of the General Provisions Article, which provides, as follows:

- (a) *In general.* — Except as otherwise provided, the provisions of all statutes enacted after July 1, 1973, are severable.
- (b) *When part of statute found to be unconstitutional or void.* — The finding by a court that part of a statute is unconstitutional or void does not affect the validity of the remaining portions of the statute, unless the court finds that the remaining valid provisions alone are incomplete and incapable of being executed in accordance with the legislative intent.

Md. Code Ann., Gen. Provisions (“GP”) § 1-210 (2019 Repl. Vol); *Fields*, 2026 WL 1905859, at *17.

We then held that PS § 5-306(a)(6)(ii) was severable from the rest of the permitting scheme:

PS § 5-306(a)(6)(ii) was first enacted in 1972, *see* 1972 Md. Laws Ch. 13, and it was codified in Md. Ann. Code, art. 27 § 36E(a)(6). *See State v.*

Crawford, 308 Md. 683, 694, 695 n.5, 521 A.2d 1193 (1987). The statute was repealed and re-enacted without substantial revisions on October 1, 2003. 2003 Md. Laws, Ch. 5, §§ 1 & 2. The General Assembly, therefore, intended that the revised and re-enacted provisions, including the “good and substantial reason” requirement, be severable.

Moreover, after *Bruen* invalidated the “good and substantial reason” requirement, see *In re Rounds*, 255 Md. App. at 212, the General Assembly repealed this provision. 2023 Md. Laws, Ch. 651, § 1 (H.B. 824). The legislature, however, left the remaining provisions of PS § 5-306 as they existed at the time of appellee’s arrest. *Id.* These provisions required that individuals seeking a permit to publicly carry a handgun must demonstrate, among other things, that they had not been convicted of any disqualifying crimes, *id.* § 5-306(a)(2)-(3); had completed certain firearms training courses, *id.* § 5-306(a)(5); and had not exhibited a propensity for violence that might render their possession of a firearm dangerous to themselves and others, *id.* § 5-306(a)(6). After the GSR requirement was removed, the permitting scheme, as revised, was not “incomplete and incapable of being executed in accordance with the legislative intent.” GP § 1-210(b). See *State v. Wade*, 476 N.J. Super. 490, 511 (2023) (the “justifiable need” provision of the New Jersey gun-carry permit statute was severable, leaving the remaining portions of the firearm permitting scheme constitutional and enforceable following *Bruen*), *on other grounds by statute*, N.J. Stat. Ann. § 2C:58-4 (West 2022).

Fields, 2026 WL 1905859, at *17. We concluded that the invalid “good and substantial reason” provision was severable, leaving in place a permitting scheme that, together with CR § 4-203, made the appellant’s conduct criminal. *Id.*

Fields controls the analysis here. Because the “good and substantial” provision was severable, appellant cannot show that *Bruen*’s invalidation of may-issue licensing regimes rendered CR § 4-203 unconstitutional.

II.

Categorical Challenge To CR § 4-203

Appellee next contends that, regardless of whether the “good and substantial” requirement is severable from PS § 5-306, the statute under which he was prosecuted, CR § 4-203, is still unconstitutional under *Bruen*. He argues that CR § 4-203 is unconstitutional because it “makes unlawful precisely what *Bruen* holds is a fundamental constitutional right, bearing arms publicly.” Appellee asserts that the State did not even attempt to meet its burden of demonstrating, under *Bruen*, that CR § 4-203 is “consistent with the Nation’s historical tradition of firearm regulation,” and it cannot establish “a direct historical analogue to its regulation under CR § 4-203, because there exists no such historical regulation.” He argues that, because he was not disqualified from possessing a regulated firearm under PS § 5-133(b) or (c), prosecution under CL § 4-203 was unconstitutional as applied to him.⁵

The State initially argues that appellee’s “newly minted” challenge to CR § 4-203 generally, and not tied to the “good and substantial reason” requirement, was not made below, and therefore, it is not preserved for appellate review. After reviewing the record, we conclude that appellant sufficiently preserved the issue for review.

⁵ Section 5-133(b) and (c) prohibit certain individuals from possessing a firearm, including, among others, individuals who have been convicted of certain crimes, individuals addicted to a controlled dangerous substance, or suffer from certain mental disorders. Md. Code Ann., Pub. Safety (“PS”) § 5-133(b) & (c) (2022 Repl. Vol.).

On the merits, the State contends that “[t]he right recognized by *Bruen* was the right to carry a handgun publicly for self-defense *in accordance with any State shall-permit statute*.” It asserts that shall-issue licensing laws are presumptively lawful and historical analysis is generally unnecessary. In any event, it argues that CR § 4-203 “survives *Bruen*’s history test” because laws and restrictions on public carry of firearms in the American Colonies date back to the late seventeenth century and “establish a national tradition that justifies Maryland’s handgun-carrying statute’s reliance on handgun permitting generally.”

Appellee appears to be arguing that CR § 4-203 is unconstitutional merely because it makes it a crime to possess a firearm without a permit.⁶ In addressing this argument, we note that the Second Amendment right to bear arms is not the right to carry a handgun “in any manner whatsoever.” *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008). One “manner” in which a person may not carry a weapon is without a permit in a state that has a permitting scheme. In *Bruen*, the Court endorsed “shall-issue” licensing regimes, stating:

To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States’ “shall-issue” licensing regimes, under which “a general desire for self-defense is sufficient to obtain a [permit].” *Drake v. Filko*, 724 F.3d 426, 442 (CA3 2013) (Hardiman, J., dissenting) Because these licensing regimes do not require applicants to show an atypical need for armed self-defense, they do not necessarily prevent “law-abiding, responsible citizens” from exercising their Second Amendment right to public carry. *District of Columbia v. Heller*, 554 U.S. 570, 635, 128 S.Ct. 2783, 171 L.Ed.2d 637 (2008). Rather, it appears that these shall-issue

⁶ As indicated, we have already explained that the invalidation of PS § 5-306’s “good and substantial reason” provision does not, as appellee alleges, “eviscerate” the remaining permitting provisions or any other provisions included or incorporated by reference in CR § 4-203(b).

regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, “law-abiding, responsible citizens.” *Ibid.* And they likewise appear to contain only “narrow, objective, and definite standards” guiding licensing officials, *Shuttlesworth v. Birmingham*, 394 U.S. 147, 151, 89 S. Ct. 935, 22 L.Ed.2d 162 (1969), rather than requiring the “appraisal of facts, the exercise of judgment, and the formation of an opinion,” *Cantwell v. Connecticut*, 310 U.S. 296, 305, 60 S.Ct. 900, 84, L.Ed. 1213 (1940) — features that typify proper-cause standards like New York’s.

597 U.S. at 38 n. 9.

Justice Kavanaugh filed a concurring opinion in *Bruen*, joined by Chief Justice Roberts, which reiterated that states may regulate gun possession through licensing. *Id.* at 79 (Kavanaugh, J., concurring). He stated:

First, the Court’s decision does not prohibit States from imposing licensing requirements for carrying a handgun for self-defense. In particular, the Court’s decision does not affect the existing licensing regimes—known as “shall-issue” regimes—that are employed in 43 States.

* * *

Going forward, . . . the 43 States that employ objective shall-issue licensing regimes for carrying handguns for self-defense may continue to do so. Likewise, the 6 States including New York potentially affected by today’s decision may continue to require licenses for carrying handguns for self-defense so long as those States employ objective licensing requirements like those used by the 43 shall-issue States.

Id. at 79-80. The *Bruen* Court thus indicated that objective, shall-issue firearm licensing schemes are presumptively constitutional and necessarily comport with the historical tradition of firearm regulation.⁷

In *Illinois v. Thompson*, 279 N.E.3d 126, 128 (Ill. 2025), *modified on denial of reh’g* (Sept. 22, 2025), *cert. denied*, 146 S.Ct. 1628 (2026), the Supreme Court of Illinois addressed a claim similar to the one raised here. Thompson argued that the statute criminalizing his unlicensed carry of a weapon was unconstitutional under the Second Amendment. *Id.* The court rejected that argument, noting that the “Supreme Court’s express endorsement of shall-issue licensure obviates the need . . . to apply the historical-tradition component of the *Bruen* analysis.” *Id.* at 137.

Similarly, in *Maryland Shall Issue, Inc. v. Moore*, 116 F.4th 211, 222 (4th Cir. 2024) (en banc), *cert. denied*, 145 S.Ct. 1049 (2025), the court held that “non-discretionary ‘shall-issue’ licensing laws are presumptively constitutional.” Only if the challenger of the statute rebuts this presumption by showing that the licensing law goes too far and imposes conditions that effectively deny the right to bear arms does the burden shift “to the government to demonstrate that the regulation ‘is consistent with this Nation’s historical tradition of firearm regulation.’” *Id.* at 223 (quoting *Bruen*, 597 U.S. at 17). Because

⁷ The Court stated, however, that it did not “rule out constitutional challenges” to “shall issue” licensing requirements if they are “put toward abusive ends,” such as imposing lengthy wait times or “exorbitant” fees. *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 38 n.9 (2022). No such claim is made here.

plaintiffs failed to rebut the presumption of constitutionality of the shall-issue statute, the court rejected the constitutional challenge. *Id.* at 229.

Here, as indicated, the “good and substantial reason” provision can be severed from the remainder of PS § 5-306, leaving a shall-issue permitting scheme with objective criteria that, if satisfied, would allow a law-abiding citizen to obtain a handgun permit. The provisions of CR § 4-203, which prohibit possession of a firearm without a license, are presumptively constitutional. Appellee has not rebutted this presumption of constitutionality, and therefore, a historical analysis is not required.

Appellee has failed to show that CR § 4-203 is unconstitutional. Accordingly, the circuit court erred in granting appellee’s motion to dismiss the handgun charges.

**JUDGMENT OF THE CIRCUIT COURT
FOR HARFORD COUNTY REVERSED.
COSTS TO BE PAID BY APPELLEE.**