

(3) ask such questions and request such explanations as may be reasonably calculated to determine whether the person is, in fact, unlawfully wearing, carrying, or transporting a handgun in violation of Section 36B; and, if the person does not give an explanation which dispels, ~~in the officers' mind,~~ the reasonable ~~suspicion~~ BELIEF which he had, he may

(4) conduct a search of the person, limited to a patting or frisking of the person's clothing in search of a handgun; . THE LAW ENFORCEMENT OFFICER IN ACTING UNDER THIS SECTION SHALL DO SO WITH DUE REGARD TO ALL CIRCUMSTANCES OF THE OCCASION, INCLUDING BUT NOT LIMITED TO THE AGE, APPEARANCE, PHYSICAL CONDITION, MANNER, AND SEX OF THE PERSON APPROACHED.

(b) In the event that the officer discovers the person to be wearing, carrying, or transporting a handgun, he may demand that the person produce evidence that he is entitled to so wear, carry, or transport the handgun pursuant to Section 36B (c) of this article. If the person is unable to produce such evidence, the officer may then seize the handgun and arrest the person.

(c) Nothing in this section shall be construed to limit the right of any law enforcement officer to make any other type of search, seizure, and arrest which may be permitted by law, and the provisions hereof shall be in addition to and not in substitution of or limited by the provisions of Section 594B of this article.

(d) No law enforcement officer conducting a search pursuant to the provisions of this Section 36D shall be liable for damages to the person searched unless said person shall prove by a fair preponderance of the evidence, that the officer acted without reasonable grounds for suspicion and with malice.

(D) ANY LAW ENFORCEMENT OFFICER SUED IN A CIVIL ACTION FOR CONDUCTING A SEARCH OR SEIZURE PURSUANT TO THIS SECTION WHICH IS ALLEGED TO BE UNREASONABLE AND UNLAWFUL SHALL, UPON HIS REQUEST, BE DEFENDED IN SAID ACTION AND ANY APPEALS THEREFROM, BY THE ATTORNEY GENERAL.

(E) EVERY LAW ENFORCEMENT OFFICER WHO CONDUCTS A SEARCH OR SEIZURE PURSUANT TO THIS SECTION SHALL, WITHIN TWENTY-FOUR HOURS AFTER SUCH SEARCH OR SEIZURE, FILE A WRITTEN REPORT WITH THE LAW ENFORCEMENT AGENCY BY WHICH HE IS EMPLOYED DESCRIBING ~~THE SEARCH OR SEIZURE AND THE CIRCUMSTANCES THEREOF~~ THE CIRCUMSTANCES SURROUNDING THE SEARCH OR SEIZURE AND THE REASONS THEREFOR ON A FORM PRESCRIBED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES. SUCH REPORT SHALL INCLUDE THE NAME OF THE PERSON SEARCHED. A COPY OF ALL SUCH REPORTS SHALL BE SENT TO THE SUPERINTENDENT OF THE MARYLAND STATE POLICE.

### 36E. Permits.

(a) A permit to carry a handgun ~~may~~ SHALL be issued WITHIN A REASONABLE TIME by the Superintendent of the Maryland