

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 90 (Delegates K. Kelly and Kipke)
Health and Government Operations

State Government - Access to Public Records - Handgun Permit Records

This bill requires a custodian to, in general, deny inspection of any record which indicates that a person owns a firearm, including a record of a handgun permit or of a handgun application. However, the bill requires a custodian to allow inspection of such a record by the person who is the subject of the record.

Fiscal Summary

State Effect: Any change in State activities does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Access to Public Records

Generally, a custodian of a public record must permit inspection of the record at a reasonable time.

A custodian has to deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. Denial of inspection is also mandatory for public records relating to

adoption, welfare records, letters of reference, specified information about an individual maintained by a library, retirement records, certain police records, criminal charging documents, arrest warrants, personnel records, certain hospital and school records, records of certain State agencies, and certain recorded and surveillance images. Denial of inspection is required for information in a public record relating to certain medical, psychological, sociological, and financial information; trade secrets; certain personal information about public employees; information about the security of an information system; and licensing records.

Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. Other permissible denials include information relating to documents that would not be available through discovery in a lawsuit, certain information about publicly administered tests, research projects conducted by an institution of the State or a political subdivision, real estate appraisals of property to be acquired by the State prior to its acquisition, certain information on inventions owned by State public higher educational institutions, and trade secrets or confidential information owned by the Maryland Technology Development Corporation.

Regulation of Firearms

Generally, the State regulates firearms under Title 5 of the Public Safety Article. The primary enforcement of the State's firearms laws and any licensing requirements are handled by the Department of State Police (DSP) and its Licensing Division. Before a person purchases, rents, or transfers a regulated firearm in the State, the person must submit to DSP or other designated law enforcement agency a firearm application that identifies the applicant and the firearm that is the subject of the transaction. Applications are investigated by DSP and are subject to a seven-day waiting period before the transaction takes place.

Maryland law requires a person to be issued a permit to wear, carry, or transport a handgun. To be issued a permit to carry a handgun by the Secretary of State Police, an applicant must meet several specified conditions.

Additional Information

Prior Introductions: None.

Cross File: SB 688 (Senator Jacobs) - Judicial Proceedings.

Information Source(s): Department of State Police, Department of Legislative Services

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