

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 403

(Senator Waugh, *et al.*)

Judicial Proceedings

Handgun Permits - Universal Recognition

This bill specifies that a permit issued in Delaware; Pennsylvania; Virginia; Washington, DC; or West Virginia to an individual to carry a handgun, including a concealed handgun, is valid in Maryland.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: The extent to which the bill may affect State finances cannot be reliably estimated at this time, as discussed below. However, the bill has an impact on the operations of the Department of State Police (DSP). DSP advises that it cannot verify the validity of an out-of-state handgun permit.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Federal law does not regulate the carrying of firearms, concealed or otherwise. All 50 states and the District of Columbia allow the carrying of firearms to some extent. Details of concealed weapons laws vary greatly among jurisdictions, but most approaches fall into two categories. One of these categories is a discretionary system called “may issue” licensing, where legal authorities grant licenses only to those citizens who can establish a compelling need for carrying a concealed handgun. The other system is a nondiscretionary one called “shall issue” licensing.

Under this system, legal authorities must provide a license to any applicant who meets specific criteria.

Generally, with certain exceptions, to be issued a permit to carry, wear, or transport a handgun by the Secretary of State Police, an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (4) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; and (7) must have a good and substantial reason to wear, carry, or transport a handgun. “Good and substantial reason” includes a finding that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area; circumstances; or times of day, week, month, or year in which a permit is effective.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for initial applications and renewals.

The Secretary may not charge a fee to (1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment or (2) a retired law enforcement officer of the State or a county or a municipal corporation of the State. A handgun permit expires on the last day of the holder’s birth month following two years from the date of issuance.

Each individual subject to a criminal history records check (CHRC) is required to pay \$52.75 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$14.75 FBI fee, an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Maryland’s permit to carry a handgun does not make reference to concealed carry and does not extend to all regulated firearms. A “regulated firearm” means a handgun or any one of

45 specific assault weapons, or their copies, regardless of which company produced and manufactured the weapon.

Chapter 427 of 2013 (the Firearm Safety Act of 2013) created a new licensing scheme for handguns under the licensing authority of DSP. DSP has adopted regulations to implement the Act's provisions related to this license. A "handgun qualification license" (HQL) authorizes a person to purchase, rent, or receive a handgun. The Secretary of State Police is required to apply for a State and national criminal history records check for each applicant. As part of the application for a criminal history records check, the Secretary must submit one complete set of fingerprints of the applicant. From the October 1, 2013 effective date of the Firearm Safety Act of 2013 through calendar 2015, DSP received 40,774 applications for an HQL.

The number of states allowing concealed carry permits is increasing, and states broadly differ in eligibility requirements and the extent to which reciprocity agreements are applied or recognized. Some agreements apply to firearms in general, while others apply to certain types of weapons (such as handguns or pistols). An interactive map of each state's reciprocity provisions can be found on the [handgunlaw.us website](http://handgunlaw.us).

There are approximately 16,000 active handgun permits in the State

State Fiscal Effect: DSP reports that it does not have the ability to confirm the validity of a handgun permit from any of the states outlined in the bill. Thus, it is unclear how DSP can implement the reciprocity provisions established under the bill. However, to the extent that a person issued a handgun permit in another state would have applied for a permit in Maryland, but does not need to do so because of the bill, general fund revenues decrease by \$75 for each new application that otherwise would have been submitted and by \$50 for each renewal that otherwise would have been submitted. On the other hand, to the extent other states offer reciprocity with Maryland as a result of the bill, some people who otherwise would have applied for a permit in those states may choose to do so in Maryland; to the extent this happens, general fund revenues from permit applications and renewals increase. The overall impact on State finances is unknown.

Additional Information

Prior Introductions: SB 454 of 2015, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on the bill. Its cross file, HB 464, received a hearing in the House Judiciary Committee, but no further action was taken on the bill.

Cross File: HB 369 (Delegate Rey, *et al.*) - Judiciary.

Information Source(s): Department of State Police, www.handgunlaw.us, Department of Legislative Services

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mel/lgc

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