

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE

First Reader - Revised

(Senator Norman, *et al.*)

Senate Bill 184

Judicial Proceedings

Public Safety - Permit to Carry, Wear, or Transport a Handgun - Qualifications

This bill specifies that, under provisions applicable to requirements for the issuance of a permit to wear, carry, or transport a handgun, personal protection constitutes a good and substantial reason for issuance of the permit.

Fiscal Summary

State Effect: General fund revenues increase by \$7.5 million in FY 2017 from the issuance of additional handgun permits and the payment of associated fees. Future year revenues reflect the licensure issuance and renewal cycle as well as a decrease in new permit applications and renewals over time. General fund expenditures for the Department of State Police (DSP) increase by \$4.0 million in FY 2017 to process additional handgun permit applications. Future year expenditures reflect annualization, inflation, and, in FY 2020, automobile replacement.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
GF Revenue	\$7,500,000	\$6,375,000	\$9,918,800	\$8,656,000	\$6,525,100
GF Expenditure	\$4,022,700	\$4,190,000	\$4,530,200	\$4,864,500	\$4,706,300
Net Effect	\$3,477,300	\$2,185,000	\$5,388,600	\$3,791,500	\$1,818,800

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Meaningful. It is assumed that the bill leads to an increase in the number of handgun carry permits sought in the State. Small businesses that provide firearm instruction may benefit from an increase in the demand for their services.

Analysis

Current Law: 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 a 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. A permit expires on the last day of the holder’s birth month following two years after the date the permit is issued. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

A handgun permit applicant must successfully complete, prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms qualification component that demonstrates the applicant’s proficiency and use of the firearm.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;

- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

Background: There are about 16,000 active handgun permits in Maryland. From 2013 through 2015, DSP received between 2,000 and 2,900 new permit applications annually and between 3,300 and 4,300 renewal applications annually. It generally takes less than two days to receive the results of a national criminal history records check from the Federal Bureau of Investigation and approximately 90 days to process, investigate, and issue a permit. DSP has denied an average of less than 10% of nonpolice-related applications annually, on the basis of a finding that the person did not have a “good and substantial reason” for the permit.

State Revenues: The Department of Legislative Services (DLS) estimates that this bill increases new handgun permit applications by about 100,000 in fiscal 2017. This is due in part to the surge in sales during recent years, and assumes a similar experience to that which was experienced in Wisconsin in 2012 when nearly 99,000 additional carry permit applications were received after its law was changed.

Assuming an increase of about 100,000 permit applications in fiscal 2017, general fund revenues from handgun permit fees increase by an estimated \$7.5 million in fiscal 2017. By fiscal 2021, the increase in general fund revenues for initial applications and renewals decreases to \$6.5 million; this estimate assumes that, over time, initial handgun permit applications decline by 15% per year, and that the total number of permits renewed decreases by 10% annually. **Exhibit 1** shows the estimated increase in general fund revenues from additional handgun permit fees through fiscal 2021.

Exhibit 1
Estimated Handgun Permit Fee Revenue under the Bill

	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
New Apps.	100,000	85,000	72,250	61,413	52,201
Fee Revenue	\$7,500,000	\$6,375,000	\$5,418,750	\$4,605,975	\$3,915,075
Renewals	-	-	90,000	81,000	72,900
Fee Revenue	-	-	4,500,000	4,050,000	2,610,050
Total Revenue	\$7,500,000	\$6,375,000	\$9,918,750	\$8,655,975	\$6,525,125

Source: Department of Legislative Services

State Expenditures: General fund expenditures for DSP increase by an estimated \$4,022,713 in fiscal 2017, which reflects the bill’s October 1, 2016 effective date. This estimate reflects the cost to hire 10 full-time troopers, 18 office services clerks, and 44 contractual background check investigators to process and issue the additional handgun permit applications, review and issue renewal permits, and prepare information relating to hearings. The estimate includes salaries and fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions (Permanent)	28
Positions (Contractual)	44
Salaries and Fringe Benefits (Permanent)	\$1,701,830
Salaries and Fringe Benefits (Contractual)	1,319,503
Motor Vehicle Purchases and Operations	354,530
Additional Police and Civilian Equipment	377,451
Other Operating Expenses	<u>269,399</u>
Total FY 2017 DSP Expenditures	\$4,022,713

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses and automobile replacement costs in fiscal 2020.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Although DSP also projects considerable trooper and civilian overtime costs in fiscal 2017 (\$6.5 million), as well as the need for 33 more contractual positions, DLS believes that such needs are unclear going forward due to the new resources for automation and additional personnel for the Licensing Division provided in the State budget since fiscal 2014 and included in this analysis. Should overtime or additional personnel costs emerge, it could be handled through the annual budget process.

Additional Comments: In *Woollard v. Gallagher* (No. 12-1437), the U.S. Court of Appeals for the Fourth Circuit considered the constitutionality of Maryland’s “good and substantial reason” handgun permit requirement. On March 21, 2013, the Fourth Circuit reversed the District Court opinion, and Maryland’s “good and substantial” requirement was upheld as constitutional.

Additional Information

Prior Introductions: SB 100 of 2015 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on the bill. Its cross file, HB 767, received a hearing in the House Judiciary Committee, but no further action was taken on the bill.

Cross File: HB 375 (Delegate Reilly, *et al.*) - Judiciary.

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

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Analysis by: Shirleen M. E.
Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510