

**Department of Legislative Services**  
 Maryland General Assembly  
 2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 17  
 Judiciary

(Delegate McConkey)

**Firearms - Digital Fingerprint Record - Permit Renewal**

This bill requires the Secretary of State Police to take and maintain a set of digital fingerprints for each applicant as part of the application for a criminal history records check (CHRC) for a permit to carry, wear, or transport a handgun. Unless the Secretary expressly determines that an applicant must provide a new set of fingerprints to resolve a question of that applicant’s identity, a person who applies for a renewal of a permit is not required to provide a set of fingerprints beyond the required digital fingerprints.

**Fiscal Summary**

**State Effect:** General fund expenditures increase by \$2.4 million in FY 2017 for the Department of State Police (DSP) to purchase livescan fingerprint machines and to contract for equipment setup, software licensing fees, and maintenance services. Future years reflect ongoing maintenance and support costs. Revenues are not affected.

(\$ in millions)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2.4	1.1	1.1	1.1	1.1
Net Effect	(\$2.4)	(\$1.1)	(\$1.1)	(\$1.1)	(\$1.1)

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

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. Small businesses that currently provide fingerprinting services for handgun permit renewal applicants likely see a decrease 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 age 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 CHRC is required to pay \$52.75 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$14.75 Federal Bureau of Investigation (FBI) fee, and 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.

**State Expenditures:** General fund expenditures increase by \$2,447,000 in fiscal 2017 for DSP to purchase 46 livescan fingerprint machines and to contract for equipment setup, software licensing fees, and maintenance services. This estimate is based on the following information and assumptions:

- each of the 23 barracks needs two livescan machines;
- each machine costs \$35,000;
- monthly maintenance fees of \$2,000 per machine; and
- monthly software licensing fees of \$1,000.

Future year maintenance and support costs are estimated at \$1.1 million annually.

As the bill requires the Secretary of State Police to take and maintain a set of digital fingerprints for each applicant for a handgun permit and use those fingerprints for renewal applications, DSP must create and maintain a digital fingerprint storage system similar to but separate from CJIS. Due to the FBI regulations and the bill's requirements, CJIS is not able to maintain fingerprints for DSP's use. Information obtained from CJIS is confidential, may not be redisseminated, and may be used only for licensing, permitting, or registering purposes. Fingerprints used for CJIS purposes must be maintained by CJIS.

Any impact on CJIS from a decrease in the number of fingerprints taken by CJIS as part of the handgun permit renewal process is revenue/cost neutral.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 11, 2016  
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