

Department of Legislative Services

Maryland General Assembly

2018 Session

FISCAL AND POLICY NOTE

Third Reader

Senate Bill 27

(Senator Hough, *et al.*)

Judicial Proceedings

Judiciary

Firearms - Handgun Permit - Preliminary Approval

This bill authorizes a person to apply for preliminary approval of a permit to wear, carry, or transport a handgun without completing a specified firearms training course, subject to specified requirements.

Fiscal Summary

State Effect: The bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: On application for preliminary approval of a permit, the Secretary of State Police must conduct an investigation to determine if the applicant meets the other statutory requirements for the permit. The Secretary must issue preliminary approval of a permit if, after the investigation, the Secretary finds that, except for the certified firearms training course, the applicant meets the requirements for the permit. Within 120 days after receipt of preliminary approval of a permit, the applicant must provide the Secretary with proof of completion of a certified firearms training course. If the Secretary does not receive such proof, the Secretary must revoke the preliminary approval and deny the application.

Nothing in the bill may be construed to authorize the issuance of a permit without completion of a certified firearms training course.

Current Law: Generally, an applicant for a handgun permit must, among other requirements, successfully complete a firearms training course approved by the Secretary of State Police. Current law requirements and background relating to the issuance of handgun permits is summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background.**

Additional Information

Prior Introductions: HB 1036 of 2017 passed with amendments in the Senate but no further action was taken.

Cross File: HB 29 (Delegate Rey, *et al.*) - Judiciary.

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

Fiscal Note History: First Reader - January 12, 2018
md/lgc Third Reader - March 14, 2018

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Appendix

Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit 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 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.

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 an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. 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.

In 2017, the Department of State Police (DSP) received 4,327 new applications for handgun permits and 4,513 handgun permit renewal applications. DSP denied 411 applications in the same year. There are currently approximately 20,043 active handgun permits in the State. 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.