

SENATE BILL 114

E4
SB 27/18 – JPR

9lr0516

By: **Senators Hough, Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Jennings, Ready, Salling, Simonaire, and West**

Introduced and read first time: January 16, 2019

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

2 **Firearms – Handgun Permit – Preliminary Approval**

3 FOR the purpose of authorizing a person to apply for preliminary approval of a handgun
4 permit without completing a certain firearms training requirement; requiring the
5 Secretary of State Police to investigate an application for a handgun permit to
6 determine if certain requirements have been satisfied; requiring the Secretary to
7 issue preliminary approval for a handgun permit if the applicant meets certain
8 requirements except for a certain firearms training requirement; requiring an
9 applicant to satisfy a certain firearms training requirement within a certain period
10 of time after receiving notice of preliminary approval of a handgun permit; requiring
11 the Secretary to revoke preliminary approval and deny a handgun permit if an
12 applicant does not fulfill a certain firearms training requirement within a certain
13 period of time; providing for the construction of this Act; and generally relating to
14 handgun permits.

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 5–301(a) and (d)
18 Annotated Code of Maryland
19 (2018 Replacement Volume)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 5–306

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2018 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
4 That the Laws of Maryland read as follows:

5 **Article – Public Safety**

6 5–301.

7 (a) In this subtitle the following words have the meanings indicated.

8 (d) “Permit” means a permit issued by the Secretary to carry, wear, or transport
9 a handgun.

10 5–306.

11 (a) Subject to [subsection (c)] **SUBSECTIONS (B) AND (D)** of this section, the
12 Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

13 (1) is an adult;

14 (2) (i) has not been convicted of a felony or of a misdemeanor for which
15 a sentence of imprisonment for more than 1 year has been imposed; or

16 (ii) if convicted of a crime described in item (i) of this item, has been
17 pardoned or has been granted relief under 18 U.S.C. § 925(c);

18 (3) has not been convicted of a crime involving the possession, use, or
19 distribution of a controlled dangerous substance;

20 (4) is not presently an alcoholic, addict, or habitual user of a controlled
21 dangerous substance unless the habitual use of the controlled dangerous substance is under
22 legitimate medical direction;

23 (5) except as provided in subsection [(b)] **(C)** of this section, has
24 successfully completed [prior to application and each renewal,] a firearms training course
25 approved by the Secretary that includes:

26 (i) 1. for an initial application, a minimum of 16 hours of
27 instruction by a qualified handgun instructor; or

28 2. for a renewal application, 8 hours of instruction by a
29 qualified handgun instructor;

30 (ii) classroom instruction on:

- 1 1. State firearm law;
- 2 2. home firearm safety; and
- 3 3. handgun mechanisms and operation; and

4 (iii) a firearms qualification component that demonstrates the
5 applicant's proficiency and use of the firearm; and

6 (6) based on an investigation:

7 (i) has not exhibited a propensity for violence or instability that may
8 reasonably render the person's possession of a handgun a danger to the person or to
9 another; and

10 (ii) has good and substantial reason to wear, carry, or transport a
11 handgun, such as a finding that the permit is necessary as a reasonable precaution against
12 apprehended danger.

13 (b) **(1) A PERSON MAY APPLY FOR PRELIMINARY APPROVAL OF A PERMIT
14 WITHOUT COMPLETING A CERTIFIED FIREARMS TRAINING COURSE UNDER
15 SUBSECTION (A) OF THIS SECTION.**

16 **(2) ON APPLICATION FOR PRELIMINARY APPROVAL OF A PERMIT,
17 THE SECRETARY SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF THE
18 APPLICANT MEETS THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION
19 EXCEPT THE REQUIRED CERTIFIED FIREARMS TRAINING COURSE.**

20 **(3) THE SECRETARY SHALL ISSUE PRELIMINARY APPROVAL OF A
21 PERMIT IF, AFTER THE INVESTIGATION, THE SECRETARY FINDS THAT, EXCEPT FOR
22 THE CERTIFIED FIREARMS TRAINING COURSE, THE APPLICANT MEETS THE
23 REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.**

24 **(4) (I) WITHIN 120 DAYS AFTER RECEIPT OF PRELIMINARY
25 APPROVAL OF A PERMIT, THE APPLICANT MUST PROVIDE THE SECRETARY WITH
26 PROOF OF COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE UNDER
27 SUBSECTION (A) OF THIS SECTION.**

28 **(II) IF THE SECRETARY DOES NOT RECEIVE PROOF OF
29 COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE, THE SECRETARY
30 SHALL REVOKE THE PRELIMINARY APPROVAL AND DENY THE APPLICATION.**

31 **(5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO
32 AUTHORIZE THE ISSUANCE OF A PERMIT WITHOUT COMPLETION OF A CERTIFIED
33 FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS SECTION.**

1 **(C)** An applicant for a permit is not required to complete a certified firearms
2 training course under subsection (a) of this section if the applicant:

3 (1) is a law enforcement officer or a person who is retired in good standing
4 from service with a law enforcement agency of the United States, the State, or any local
5 law enforcement agency in the State;

6 (2) is a member, retired member, or honorably discharged member of the
7 armed forces of the United States or the National Guard;

8 (3) is a qualified handgun instructor; or

9 (4) has completed a firearms training course approved by the Secretary.

10 **[(c)] (D)** An applicant under the age of 30 years is qualified only if the Secretary
11 finds that the applicant has not been:

12 (1) committed to a detention, training, or correctional institution for
13 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

14 (2) adjudicated delinquent by a juvenile court for:

15 (i) an act that would be a crime of violence if committed by an adult;

16 (ii) an act that would be a felony in this State if committed by an
17 adult; or

18 (iii) an act that would be a misdemeanor in this State that carries a
19 statutory penalty of more than 2 years if committed by an adult.

20 **[(d)] (E)** The Secretary may issue a handgun qualification license, without an
21 additional application or fee, to a person who:

22 (1) meets the requirements for issuance of a permit under this section; and

23 (2) does not have a handgun qualification license issued under § 5–117.1 of
24 this title.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2019.