

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 422 (Senator Young, *et al.*)
 Judicial Proceedings

Firearms - Permit to Carry, Wear, or Transport - Required Courses

This bill requires, with specified exceptions, a person to whom a permit to wear, carry, or transport a handgun is issued or renewed to successfully complete on separate days each calendar year (1) a course approved by the Secretary of State Police on situational awareness and (2) a course approved by the Secretary on the competent handling of a firearm. The Secretary may revoke a handgun permit on a finding that the holder does not meet the bill’s required qualifications.

Fiscal Summary

State Effect: General fund expenditures increase by \$603,000 in FY 2021. Future year expenditures reflect annualization and ongoing costs. Revenues are not anticipated to be affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	603,000	347,600	355,000	367,400	380,200
Net Effect	(\$603,000)	(\$347,600)	(\$355,000)	(\$367,400)	(\$380,200)

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

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A person to whom a handgun permit is issued or renewed is not required to complete the required courses if the person is (1) an active law enforcement officer with

a law enforcement agency of the United States, the State, or any local law enforcement agency in the State or (2) a qualified handgun instructor.

The Secretary is authorized to adopt necessary regulations.

Current Law: Generally, 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.

Current law requirements and background relating to the issuance of handgun permits is summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background.**

State Expenditures: General fund expenditures for the Department of State Police (DSP) increase by \$603,002 in fiscal 2021, which accounts for the bill's October 1, 2020 effective date. This estimate reflects the cost of hiring five office service clerks and two office supervisors to review, accept, and process certificates of completion for the required courses. It includes salaries, fringe benefits, one-time start-up costs (including computer programming costs), and ongoing operating expenses. The information and assumptions used in calculating the estimate are stated below:

- There are currently approximately 26,822 active handgun permits in the State.
- Under current law, an applicant for a permit is not required to complete a certified firearms training course if the applicant (1) 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; (2) is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard; (3) is a qualified handgun instructor; or (4) has completed a firearms training course approved by the Secretary. However, the bill exempts from the new required courses only (1) active law enforcement officers with a law enforcement agency of the United States, the State, or a local law enforcement agency in the State and (2) qualified handgun instructors. Thus, some individuals currently exempt from other training requirements are required to complete training under the bill.
- DSP currently operates a licensing portal to track handgun permits and training requirements. In order to track completion of the new training requirements and differentiate permit holders not required to meet the new requirements, DSP advises

that the licensing portal needs to be revised, at a cost of \$300,000 in fiscal 2021 only.

- Each certificate uploaded through the licensing portal must be manually checked to verify the permit holder and ensure validity of the courses taken. In order to complete verification and processing for both required courses for more than 26,000 permit holders annually, DSP needs five office services clerks. For quality control and review of the work of the clerks, two office supervisors are also needed.

Positions	7
Salaries and Fringe Benefits	\$265,438
Computer Programming	300,000
Other Operating Expenses	<u>37,564</u>
Total FY 2021 State Expenditures	\$603,002

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses.

Small Business Effect: Small businesses that provide firearm instruction likely benefit from an increase in the demand for their services as a result of the bill. In addition, expenditures for small businesses with employees who have handgun permits for the business likely increase due to the bill's requirements.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2020
an/lgc

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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. The applicant must pay the fee by an electronic check, a credit card, or a method of online payment approved by the Secretary.

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 2019, the Department of State Police (DSP) received 5,283 new applications for handgun permits and 7,945 handgun permit renewal applications. DSP denied 569 applications in the same year. There are currently approximately 26,822 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.