

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 265
Judiciary

(Delegate Reilly, *et al.*)

Handgun Qualification License - Training Requirement - Exemption

This bill establishes an exemption to the requirement for an applicant for a handgun qualification license (HQL) to complete a firearms safety training course. An applicant is exempt from the training requirement if the applicant is (1) a “qualified retired law enforcement officer,” as defined under the federal Law Enforcement Officers Safety Act (LEOSA) or (2) an active or retired correctional officer, sheriff, or deputy sheriff who has successfully completed an initial correctional officer, sheriff, or deputy sheriff firearms training course approved by the Secretary of State Police.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Handgun Qualification License

An HQL authorizes a person to purchase, rent, or receive a handgun. Generally, the Secretary of State Police must issue an HQL to a person who (1) is at least 21 years old; (2) is a State resident; (3) has completed a firearms safety training course; and (4) is not prohibited by federal or State law from purchasing or possessing a handgun.

Current law requirements and background relating to the issuance of an HQL is summarized in the **Appendix – Handgun Qualification License Requirements – Current Law/Background.**

Law Enforcement Officers Safety Act

LEOSA allows, with limited exceptions, federal, state, and local “qualified law enforcement officers” and “qualified retired law enforcement officers” to carry a concealed firearm in any jurisdiction in the United States without obtaining any permit required by the state or local jurisdiction. A retiree may carry a concealed firearm with his/her issued retiree identification card and with certification that he/she has successfully completed annual firearms training at his/her own cost. The retiree’s organization may annually issue a single LEOSA card that the retiree may carry in lieu of carrying his/her retirement card and the annual certification document.

Under LEOSA, a “qualified retired law enforcement officer” is an individual who:

- separated from service in good standing from service with a public agency as a law enforcement officer;
- before separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had specified statutory powers of arrest or apprehension;
- before separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with the agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the agency;
- during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the state in which the individual resides or, if the state has not established such standards, either a law enforcement agency within the state in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that state;
- has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and, as a result of this finding, will not be issued the photographic identification; or has not entered into an agreement with the agency from which the individual is separating from service

in which that individual acknowledges he/she is not qualified for reasons relating to mental health and for those reasons will not receive or accept the photographic identification;

- is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- is not prohibited by federal law from receiving a firearm.

Additional Information

Prior Introductions: SB 287 of 2019 passed the Senate and received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: SB 156 (Senator Cassilly, *et al.*) - Judicial Proceedings.

Information Source(s): Caroline, Howard, Montgomery, and Prince George's counties; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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md/lgc

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Appendix – Handgun Qualification License Requirements – Current Law/Background

A handgun qualification license (HQL) authorizes a person to purchase, rent, or receive a handgun. A licensed firearms manufacturer; a specified active or retired law enforcement officer; a member or retired member of the U.S. Armed Forces or the National Guard; and a person purchasing, renting, or receiving an antique, curio, or relic firearm (as defined under federal law) are exempt from the requirements of the licensing provisions.

The Secretary of State Police must apply for a State and national criminal history records check for each applicant. As part of the application for a criminal history records check, the Secretary must submit one complete set of fingerprints of the applicant.

The application fee for an HQL is to cover administrative costs and may be up to \$50. The term of the license is 10 years. License renewal fees are set at up to \$20. Generally, the Secretary of State Police must issue an HQL to a person who (1) is at least age 21; (2) is a State resident; (3) has completed a firearms safety training course; and (4) is not prohibited by federal or State law from purchasing or possessing a handgun.

The firearms safety training course must include (1) a minimum of four hours of instruction by a qualified handgun instructor; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms orientation that demonstrates that the person can safely operate and handle a firearm. An applicant is not required to complete an approved firearms safety training course if the applicant has previously completed a certified firearms training course, has completed a hunting safety course prescribed by the Department of Natural Resources, is currently a qualified handgun instructor, is an honorably discharged member of the U.S. Armed Forces or the National Guard, is a certain employee of an armored car company, or lawfully owns a regulated firearm. Renewal applicants are not required to complete the firearms safety training course or submit to a State and national criminal history records check.

The Secretary may issue an HQL without an additional application or fee to a person who meets the requirements for the issuance of a handgun permit who does not already have an HQL.

Within 30 days after receiving a properly completed HQL application, the Secretary must provide (1) an HQL, if approved, or (2) a written denial of the application, including the reason the application was denied and a statement of the applicant's appeal rights regarding the decision.

In 2019, the Department of State Police (DSP) received 20,083 new applications for HQLs. DSP denied 769 applications in the same year. There are currently approximately 130,147 active HQLs in the State (issued since October 1, 2013).