



February 2, 2021

## WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 15 WITH AMENDMENTS

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in rifle, pistol and personal protection in the home, personal protection outside the home, muzzle loading as well as a range safety officer. I appear today as President of MSI in support of SB 15, WITH AMENDMENTS.

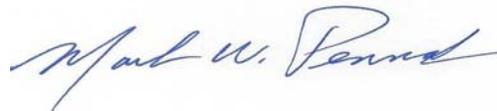
This bill simply directs the Maryland State Police to “mail a postcard that provides written notice of a handgun permit’s impending expiration and the instructions on how to submit a renewal handgun permit application online through the Maryland State Police Licensing Portal to a holder of a handgun permit at least 60 days before the expiration of the permit if: (1) the holder of the handgun permit filed a paper handgun permit application; and (2) the paper handgun permit application was filed on or before October 1, 11 2019.” We support this bill with two amendments. The first amendment is that the notice be sent by email or regular mail. That amendment is offered because MD Code, General Provisions, § 4-325 makes this information confidential. Specifically, Section 4-325(a) provides that the State Police shall “deny inspection of all records of a person authorized to: \* \* \* (2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.” Section 4-325(b) expressly limits access to this information to the person named in the record or the person’s attorney. A “postcard” containing the notice specified in the bill simply does not provide the necessary security contemplated by these provisions. We suggest, therefore, that the bill be amended to provide that the notice be sent via email, rather than by postcard. With this amendment, we support this bill.

The notice requirement is imminently sensible. Allowing these licenses to expire inadvertently usually means that the licensee must start all over from scratch, as if there had never been any license at all. Other states provide notice to licensees, including carry permits issued to out of state residents. For example, 42 states, including states such as Florida, Utah, Virginia, Pennsylvania, issue carry permits and many, if not most, of these states provide renewal notices. Florida has issued nearly permits to 2 million persons and manages to provide notice of renewal to **each** of these persons. See <https://cwrex.freshfromflorida.com/> (requiring a number from the renewal notice sent by mail in order to renew) and <https://www.tampabay.com/florida-politics/2019/04/11/florida->

[nears-milestone-2-million-concealed-weapon-permit-holders/](#). As of 2016, Utah had issued approximately 663,000 carry permits. [https://www.standard.net/police-fire/utah-concealed-weapons-permits-now-numbering-k-see-surge-in/article\\_04739588-b02c-5d93-91a9-62c0e1ece68b.html](https://www.standard.net/police-fire/utah-concealed-weapons-permits-now-numbering-k-see-surge-in/article_04739588-b02c-5d93-91a9-62c0e1ece68b.html). It likewise provides renewal notices. Pennsylvania has issued over 1 million carry permits. It provides renewal notices, albeit from the County Sheriffs, who are the issuing authority under Pennsylvania law. See generally [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3463357&download=yes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357&download=yes).

Maryland State Police has issued approximately 26,000 carry permits, which is a tiny fraction of the number of permits issued in these other States. As of October 1, 2019, the State Police moved to a fully electronic application and renewal process for carry permits. <https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/WearandCarryPermit.aspx>. The renewal period in Maryland is 2 years for the first renewal and 3 years for subsequent renewals for carry permits. See MD Code, Public Safety, § 5-309. Thus, within 3 years (starting from October 2019), all the data, including expiration dates and email and home addresses, for every existing permit holder, will be fully incorporated into this electronic system. It is our understanding that the State Police fully intend to use this electronic system to send out renewal notices and reminders. The cost of doing so is *de minimis*. The relatively small number of individuals directly affected by this bill should be accorded the same treatment.

Sincerely,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Pennak  
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