

HOUSE BILL 228

E4

71r1373

By: **Delegates Riley, James, Bates, Boteler, Bromwell, DeBoy, Dwyer, Glassman, Impallaria, Jennings, Kach, Kelly, Krebs, Kullen, McComas, McDonough, Myers, Stifler, and Wood**

Introduced and read first time: January 29, 2007

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns – Wearing, Carrying, or Transporting – Permits**

3 FOR the purpose of repealing the requirement that a person have a good and
4 substantial reason for wearing, carrying, or transporting a handgun before
5 receiving a permit to wear, carry, or transport a handgun; requiring the
6 Secretary of State Police to charge for a certain purpose a certain fee payable
7 when an application is filed for a handgun; requiring the Governor to
8 appropriate certain funds to programs to combat criminal gang violence; and
9 generally relating to permits for wearing, carrying, or transporting handguns.

10 BY repealing and reenacting, without amendments,
11 Article – Public Safety
12 Section 5–301(d) and (e)
13 Annotated Code of Maryland
14 (2003 Volume and 2006 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–304 and 5–306(a)
18 Annotated Code of Maryland
19 (2003 Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Public Safety**

4 5–301.

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

7 (e) “Secretary” means the Secretary of State Police or the Secretary’s
8 designee.

9 5–304.

10 (a) An application for a permit shall be made under oath.

11 (b) (1) Subject to subsections (c) and (d) of this section, the Secretary may
12 charge a nonrefundable fee payable when an application is filed for a permit.

13 (2) The fee may not exceed:

14 (i) \$75 for an initial application;

15 (ii) \$50 for a renewal or subsequent application; and

16 (iii) \$10 for a duplicate or modified permit.

17 (3) The fees under this subsection are in addition to the fees
18 authorized under § 5–305 of this subtitle.

19 (c) The Secretary may reduce the fee under subsection (b) of this section
20 accordingly for a permit that is granted for one day only and at one place only.

21 (d) The Secretary may not charge a fee under subsection (b) of this section to:

22 (1) a State, county, or municipal public safety employee who is
23 required to carry, wear, or transport a handgun as a condition of governmental
24 employment; or

25 (2) a retired law enforcement officer of the State or a county or
26 municipal corporation of the State.

1 **(E) (1) WHEN AN APPLICATION IS FILED FOR A PERMIT, THE**
2 **SECRETARY SHALL CHARGE AN ADDITIONAL FEE THAT SHALL BE REMITTED TO**
3 **THE GENERAL FUND.**

4 **(2) THE SECRETARY SHALL DETERMINE THE AMOUNT OF THE**
5 **ADDITIONAL FEE.**

6 **(3) BEGINNING IN FISCAL YEAR 2009 AND EVERY YEAR**
7 **THEREAFTER, THE GOVERNOR SHALL APPROPRIATE FUNDS IN THE BUDGET**
8 **THAT ARE EQUIVALENT TO THE AMOUNT COLLECTED UNDER THIS SUBSECTION**
9 **IN THE PRIOR FISCAL YEAR TO PROGRAMS DESIGNED TO COMBAT CRIMINAL**
10 **GANG VIOLENCE.**

11 **[(e)](F)** The applicant may pay a fee under this section by a personal
12 check, business check, certified check, or money order.

13 5-306.

14 (a) Subject to subsection (b) of this section, the Secretary shall issue a permit
15 within a reasonable time to a person who the Secretary finds:

16 (1) is an adult;

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

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

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

23 (4) is not presently an alcoholic, addict, or habitual user of a controlled
24 dangerous substance unless the habitual use of the controlled dangerous substance is
25 under legitimate medical direction; and

26 (5) based on an investigation[:

27 (i)], has not exhibited a propensity for violence or instability that
28 may reasonably render the person's possession of a handgun a danger to the person or
29 to another[; and

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2007.