

# HOUSE BILL 359

D4, E4

9lr0323

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By: **Delegates McConkey, Carter, Kramer, McComas, and Valderrama**

Introduced and read first time: January 30, 2009

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Handgun Permits - Victims of Domestic Violence**

3 FOR the purpose of specifying that an applicant for a handgun permit who is eligible  
4 for relief under the spousal domestic violence law for whose benefit a court has  
5 issued a temporary or final protective order meets a certain standard in order to  
6 be issued a handgun permit by the Secretary of State Police; making a certain  
7 stylistic change; and generally relating to the issuance of handgun permits by  
8 the Secretary of State Police to certain applicants for whose benefit a court has  
9 issued a temporary or final protective order.

10 BY repealing and reenacting, without amendments,

11 Article - Public Safety

12 Section 5-301(a) and (d)

13 Annotated Code of Maryland

14 (2003 Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Public Safety

17 Section 5-306

18 Annotated Code of Maryland

19 (2003 Volume and 2008 Supplement)

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

22 **Article - Public Safety**

23 5-301.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Permit" means a permit issued by the Secretary to carry, wear, or  
2 transport a handgun.

3 5-306.

4 (a) Subject to subsection (b) of this section, the Secretary shall issue a permit  
5 within a reasonable time to [a person] **AN APPLICANT** who the Secretary finds:

6 (1) is an adult;

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

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

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

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

16 (5) based on an investigation:

17 (i) has not exhibited a propensity for violence or instability that  
18 may reasonably render the [person's] **APPLICANT'S** possession of a handgun a danger  
19 to the [person] **APPLICANT** or to another; and

20 (ii) has good and substantial reason to wear, carry, or transport  
21 a handgun, such as:

22 **1.** a finding that the permit is necessary as a reasonable  
23 precaution against apprehended danger; **OR**

24 **2. THE APPLICANT IS A PERSON ELIGIBLE FOR**  
25 **RELIEF FOR WHOSE BENEFIT A COURT HAS ISSUED A TEMPORARY OR FINAL**  
26 **PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW**  
27 **ARTICLE.**

28 (b) An applicant under the age of 30 years is qualified only if the Secretary  
29 finds that the applicant has not been:

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

- 1                   (2)    adjudicated delinquent by a juvenile court for:
- 2                           (i)    an act that would be a crime of violence if committed by an
- 3   adult;
- 4                           (ii)   an act that would be a felony in this State if committed by
- 5   an adult; or
- 6                           (iii)   an act that would be a misdemeanor in this State that
- 7   carries a statutory penalty of more than 2 years if committed by an adult.

8                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

9   October 1, 2009.