

# HOUSE BILL 359

D4, E4

9lr0323  
CF 9lr2994

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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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2009

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## CHAPTER \_\_\_\_\_

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~~ authorizing the  
7 Secretary of State Police, in determining whether a handgun permit is  
8 necessary as a reasonable precaution against apprehended danger, to consider  
9 whether the applicant is a certain person for whose benefit a court has issued a  
10 final protective order under the domestic violence law; making a certain stylistic  
11 change; and generally relating to the issuance of handgun permits by the  
12 Secretary of State Police ~~to certain applicants for whose benefit a court has~~  
13 ~~issued a temporary or final protective order.~~

14 BY repealing and reenacting, without amendments,  
15 Article – Public Safety  
16 Section 5–301(a) and (d)  
17 Annotated Code of Maryland  
18 (2003 Volume and 2008 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Public Safety  
21 Section 5–306  
22 Annotated Code of Maryland  
23 (2003 Volume and 2008 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

8 5–306.

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

12 (1) is an adult;

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

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

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

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

22 (5) based on an investigation:

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

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

28 ~~1.~~ a finding that the permit is necessary as a reasonable  
29 precaution against apprehended danger; ~~OR~~

30 ~~2. THE APPLICANT IS A PERSON ELIGIBLE FOR~~  
31 ~~RELIEF FOR WHOSE BENEFIT A COURT HAS ISSUED A TEMPORARY OR FINAL~~

1 ~~PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW~~  
2 ~~ARTICLE.~~

3 (B) IN DETERMINING WHETHER A PERMIT IS NECESSARY AS A  
4 REASONABLE PRECAUTION AGAINST APPREHENDED DANGER FOR PURPOSES OF  
5 SUBSECTION (A)(5)(II) OF THIS SECTION, THE SECRETARY MAY CONSIDER  
6 WHETHER THE APPLICANT IS A PERSON ELIGIBLE FOR RELIEF FOR WHOSE  
7 BENEFIT A COURT HAS ISSUED A FINAL PROTECTIVE ORDER UNDER TITLE 4,  
8 SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

9 ~~(b)~~ (C) An applicant under the age of 30 years is qualified only if the  
10 Secretary finds that the applicant has not been:

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

14 (2) adjudicated delinquent by a juvenile court for:

15 (i) an act that would be a crime of violence if committed by an  
16 adult;

17 (ii) an act that would be a felony in this State if committed by  
18 an adult; or

19 (iii) an act that would be a misdemeanor in this State that  
20 carries a statutory penalty of more than 2 years if committed by an adult.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.