

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 660 (Senator Jacobs, *et al.*)
Judicial Proceedings

Public Safety - Regulated Firearm License - Reciprocity

This bill specifies that a license issued by another state to an individual authorizing the individual to carry a regulated firearm, including a concealed regulated firearm, is valid in Maryland.

Fiscal Summary

State Effect: None. The bill's requirements do not impose any additional responsibilities on the State.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Maryland law requires a person to be issued a permit to wear, carry, or transport a handgun. To be issued a permit to carry a handgun by the Department of State Police (DSP), an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; (4) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (5) must not exhibit a propensity for violence or instability that may

reasonably render possession of a handgun a danger to the applicant or another; and (6) must have a good and substantial reason to wear, carry, or transport a handgun. “Good and substantial reason” includes a finding by DSP that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area, circumstances, or times of day, week, month, or year in which a permit is effective.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks at a cost of \$42 for the initial application (plus \$10 for the fingerprint cards) and \$24 for renewals (covering a federal recheck only).

Although Maryland law requires a person to be issued a permit to wear, carry, or transport a handgun, whether concealed or not, there are several exceptions to that requirement. For example, two of the exceptions include authorizing a person to wear, carry, or transport a handgun, provided that the handgun is unloaded and in an enclosed case or enclosed holster when being transported, if the person is (1) transporting the handgun to or from a legal place of sale or a repair shop or between the person’s home or business or (2) wearing, carrying, or transporting the handgun in connection with an organized military activity, target practice, sport shooting event, hunting, or trapping. Further, a person may wear, carry, or transport a handgun if the person is in the person’s home, place of business, or other property that the person owns or is a supervisory employee who is wearing, carrying, or transporting the handgun under specified circumstances.

Federal law does not regulate the carrying of concealed weapons. Currently, only Illinois and the District of Columbia do not permit citizens to carry concealed firearms under any circumstances. Details of concealed weapons laws vary greatly among jurisdictions, but most approaches fall into two categories. One of these categories is a discretionary system called “may issue” licensing, where legal authorities grant licenses only to those citizens who can establish a compelling need for carrying a concealed handgun. The other system is a nondiscretionary one called “shall issue” licensing. Under this system, legal authorities must provide a license to any applicant who meets specific criteria.

According to a July 2012 report by the U.S. Government Accountability Office:

The number of states allowing concealed carry permits is increasing, and states broadly differ in eligibility requirements and the extent to which they have reciprocity agreements. In June 2002, 7 states and the District of Columbia prohibited the concealed carry of handguns. As of March 2012, individuals can carry concealed handguns in all but 1 state (Illinois) and the

District of Columbia. “Shall-issue” states – in which issuing authorities are required to issue a permit to an applicant that fulfills the objective statutory criteria – generally issue more permits than states with greater discretion in granting permits (“may-issue” states). Because of differing eligibility requirements, some states would issue a permit to an applicant, while others would not. For example, some states define what constitutes a disqualifying felony differently or have different firearms training requirements. As of March 2012, 39 states that issue permits and Vermont (permits not required) recognize concealed carry permits from other states. Of the 9 states that do not grant reciprocity, 8 are may-issue states.

Additional Information: In *Woollard v. Gallagher* (No. 12-1437), the U.S. Court of Appeals for the Fourth Circuit is considering the constitutionality of Maryland’s “good and substantial reason” handgun permit requirement.

Additional Information

Prior Introductions: Similar bills granting reciprocity with neighboring states were introduced in 2012, 2011, and 2010. HB 256 of 2012 received a hearing by the House Judiciary Committee, but no further action was taken. HB 9 of 2011 received a hearing in the House Judiciary Committee, but no further action was taken. HB 52 of 2010 received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police, U.S. Government Accountability Office, Department of Legislative Services

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