

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 646

(Senators Jennings and Klausmeier)

Judicial Proceedings

Judiciary

Public Safety - Handgun Permit Background Check - Armored Car Company
Employees

This bill authorizes the Secretary of State Police to accept a background check performed by an armored car company in place of the State and national criminal history records check performed by the Criminal Justice Information System for a handgun permit application for an employee of the company if (1) the background check meets minimum requirements established by the Department of State Police (DSP) and (2) the Secretary performs a cursory check to verify the facts listed in the background check.

Fiscal Summary

State Effect: None. The bill's changes do not affect the overall operations or finances of DSP.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: To be issued a permit to carry a handgun by 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.

Background: In 1993, Congress enacted the Armored Car Industry Reciprocity Act, which was amended in 1998. In general, if an armored car crew member employed by an armored car company (1) has a license issued by the appropriate state agency (in the state in which such member is primarily employed by the company) to carry a weapon on the job, and the state agency meets all minimum requirements, and (2) has met all other applicable requirements to act as an armored car crew member in the state in which the member is primarily employed by the company, then the crew member is entitled to lawfully carry any weapon to which the license relates and function as an armored car crew member in any state while the member is acting in the service of the company.

For both the initial and subsequent license issuance, federal law relies on each state to determine to its own satisfaction that “the crew member has received classroom and range training in weapon safety and marksmanship during the current year from a

qualified instructor for each weapon that the crew member will be licensed to carry.” Licensees hold the duty of qualifying on every weapon they will carry each year. Each state must keep detailed records of any armored car crew member issued a permit in that jurisdiction, and those records must include every weapon the crew member received training on and when that instruction occurred.

The statute goes on to mandate “the receipt or possession of a weapon by the crew member would not violate federal law, determined on the basis of a criminal record background check conducted during the current year.” The issuing state must perform a criminal background check initially and for every subsequent renewal by the crew member. According to the Federal Bureau of Investigation (FBI), any issuing state that is not a point of contact for the National Instant Criminal Background Check System should contact the FBI directly to ascertain the applicant’s eligibility for the license or permit.

Additional Information

Prior Introductions: None.

Cross File: HB 1300 (Delegate Szeliga, *et al.*) - Judiciary.

Information Source(s): Department of State Police, Federal Bureau of Investigation, Department of Legislative Services

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