

**Department of Legislative Services**  
 Maryland General Assembly  
 2013 Session

**FISCAL AND POLICY NOTE**

House Bill 28 (Delegate Cluster)  
 Judiciary

**Public Safety - Handgun Permits - Renewal Period for Retired Law Enforcement Officer**

This bill specifies that a handgun permit issued to a retired law enforcement officer of the State or a county or municipality of the State expires on the last day of the holder’s birth month following five years after the date the permit is issued and may be renewed for successive periods of five years each if, at the time of a renewal application, the applicant possesses the qualifications for the issuance of a permit.

**Fiscal Summary**

**State Effect:** This bill delays the collection of renewal permit fees from retired law enforcement officers, and likely reduces the number of renewals that will occur for each retired officer over time. Accordingly, general fund revenues from handgun permit renewal fees decrease by approximately \$24,000 in FY 2017 and 2018. The accompanying reduction in workload for the Department of State Police (DSP) is not expected to affect the manpower needs of the agency.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
GF Revenue	\$0	\$0	\$0	(\$24,000)	(\$24,000)
Expenditure	0	0	0	0	0
Net Effect	\$0	\$0	\$0	(\$24,000)	(\$24,000)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

## 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.

A handgun permit application costs \$75; two years after the initial permit, a \$50 renewal fee is due and every three years thereafter. 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).

A handgun permit for all persons expires on the last day of the holder’s birth month following two years after the date the permit is issued. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

**State Fiscal Effect:** In fiscal 2012, DSP processed 154 initial handgun permits for retired law enforcement officers and 479 renewal applications. Permit renewal fee revenue totaled \$23,950 in fiscal 2012. Under the bill, over a 15-year period, handgun renewal permits for retired law enforcement officers occurs three times, rather than five times. Accordingly, based on the number of permit renewals from fiscal 2012, general fund revenues from handgun permit renewal fees decrease by approximately \$23,950 in both fiscal 2017 and 2018. On an annualized basis, renewal fee revenues decrease by approximately \$9,850 annually over the course of a five-year period.

Any decrease in workload for DSP is not significant and is not expected to affect the manpower needs of the agency.

**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.

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### **Additional Information**

**Prior Introductions:** HB 300 of 2012 passed the House and received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2013  
ncs/lgc

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