

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE

House Bill 842  
Judiciary

(Delegate Rey, *et al.*)

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Public Safety - Honorably Discharged Veterans - Handgun Permits

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This bill provides that an honorably discharged member of the U.S. Armed Forces or the National Guard is not required to possess a handgun qualification license (HQL) in order to purchase, rent, or receive a handgun. Possession of a valid DD Form 214, Certificate of Release or Discharge from Active Duty may be used to demonstrate that status. A retired or an honorably discharged member of the U.S. Armed Forces or the National Guard may use that same form and certificate to demonstrate that, as an applicant for a handgun permit, the person is not required to complete a required firearms training course.

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Fiscal Summary

**State Effect:** The bill's changes pertaining to the issuance of an HQL or a handgun carry permit are not expected to have a significant impact on State operations or finances.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Under the Firearm Safety Act of 2013 (Chapter 427), a new licensing scheme was established for handguns. A HQL authorizes a person to purchase, rent, or receive a handgun. Certain persons are exempt from this provision. The Secretary of State Police is required to apply for a fingerprint-based State and national criminal history records check on behalf of each handgun purchase applicant. Written approval or denial of an application by the Department of State Police must be made within 30 days. The application fee for a license may be up to \$50, and the term of the license is 10 years.

License renewal fees may not exceed \$20. Among other requirements, unless exempt, an applicant must show proof of completion of an approved firearms safety training course. Renewal applicants are not required to complete the firearms safety training course or submit to a criminal history records check.

A person may purchase, rent, or receive a handgun only if the person (1) possesses a valid HQL; possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency; is an active or retired member of the U.S. Armed Forces or the National Guard and possesses a valid military identification card; or is purchasing, renting, or receiving an antique, curio, or relic firearm, as defined in federal law or in determinations published by the Bureau of Alcohol, Tobacco, Firearms and Explosives and (2) is not otherwise prohibited from purchasing or possessing a handgun under State or federal law.

Generally, with certain exceptions, to be issued a permit to carry a handgun by the Secretary of State Police, 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 the person is 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 which 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 that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary of State Police 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 for initial applications and renewals. A permit 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.

Chapter 427 requires a handgun permit applicant to successfully complete prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified

handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

**Background:** Recent military service and medical records are not online. However, most veterans and their next-of-kin can obtain copies of their DD Form 214 (Report of Separation) and other records without charge.

A Report of Separation is generally issued when a service member performs active duty or at least 90 consecutive days of active duty training. The Report of Separation contains information normally needed to verify military service for benefits, retirement, employment, and membership in veterans' organizations. Information shown on this report may include the service member's:

- date and place of entry into active duty;
- home address at time of entry;
- date and place of release from active duty;
- home address after separation;
- last duty assignment and rank;
- military job specialty;
- military education;
- decorations, medals, badges, citations, and campaign awards;
- total creditable service;
- foreign service credited; and
- other specific separation information, such as type of separation, character of service, authority and reason for separation, separation and reenlistment eligibility codes.

The report of separation form issued in most recent years is the DD Form 214, Certificate of Release or Discharge from Active Duty. Before January 1, 1950, several similar forms were used by the military services.

From the October 1, 2013 effective date of the Firearm Safety Act of 2013 through the 2014 calendar year, the Department of State Police received 21,081 applications for an HQL. It is not known how many of those applicants are an honorably discharged member of the U.S. Armed Forces or the National Guard.

According to the Maryland Department of Veteran Affairs, the U.S. Department of Defense projects the number of military honorably or generally discharged to be about 429,000 in Maryland by September 2015. The number of honorably discharged veterans alone is not readily available. The number of honorably discharged National Guard members in the State is also not readily available. A veteran of military service does not retain a U.S. military-issued firearm upon discharge from active duty. The same is true for retired members of the National Guard.

**State Fiscal Effect:** Because *retired* members of the U.S. Armed Forces or the National Guard are already exempt from HQL requirements, the bill is not expected to significantly affect license fee revenues from the issuance of such licenses. Likewise, because honorably discharged and retired members of the U.S. Armed Forces or the National Guard are already exempt from the certified training course requirements related to the issuance of a handgun carry permit, the bill is not expected to significantly affect permit fee revenues from the issuance of such permits.

To the extent any honorably discharged members of the U.S. Armed Forces or the National Guard are exempt from HQL requirements who otherwise would obtain an HQL, license fee revenues decrease accordingly. License fees are \$50 and renewal fees are \$20.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services, Department of Veterans Affairs, Military Department, Department of State Police, Department of Legislative Services

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