

HOUSE BILL 1207

E4

6lr2704

By: **Delegates McKay, Buckel, Folden, Impallaria, Jackson, Krebs, McComas, Parrott, Rey, Rose, Shoemaker, Vogt, and Wivell**
Introduced and read first time: February 12, 2016
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Correctional Officer**

3 FOR the purpose of establishing a presumption that an applicant for a permit to carry,
4 wear, or transport a handgun has a good and substantial reason to carry, wear, or
5 transport a handgun if the applicant is a certain correctional officer; defining a
6 certain term; and generally relating to permits to carry, wear, or transport a
7 handgun.

8 BY repealing and reenacting, without amendments,
9 Article – Public Safety
10 Section 5–301(a) and (d) and 5–306(a)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2015 Supplement)

13 BY adding to
14 Article – Public Safety
15 Section 5–306(e)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That the Laws of Maryland read as follows:

20 **Article – Public Safety**

21 5–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Permit" means a permit issued by the Secretary to carry, wear, or transport
2 a handgun.

3 5-306.

4 (a) Subject to subsection (c) of this section, the Secretary shall issue a permit
5 within a reasonable time to a person who the Secretary finds:

6 (1) is an adult;

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

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

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

13 (4) is not presently an alcoholic, addict, or habitual user of a controlled
14 dangerous substance unless the habitual use of the controlled dangerous substance is under
15 legitimate medical direction;

16 (5) except as provided in subsection (b) of this section, has successfully
17 completed prior to application and each renewal, a firearms training course approved by
18 the Secretary that includes:

19 (i) 1. for an initial application, a minimum of 16 hours of
20 instruction by a qualified handgun instructor; or

21 2. for a renewal application, 8 hours of instruction by a
22 qualified handgun instructor;

23 (ii) classroom instruction on:

24 1. State firearm law;

25 2. home firearm safety; and

26 3. handgun mechanisms and operation; and

27 (iii) a firearms qualification component that demonstrates the
28 applicant's proficiency and use of the firearm; and

29 (6) based on an investigation:

1 (i) has not exhibited a propensity for violence or instability that may
2 reasonably render the person's possession of a handgun a danger to the person or to
3 another; and

4 (ii) has good and substantial reason to wear, carry, or transport a
5 handgun, such as a finding that the permit is necessary as a reasonable precaution against
6 apprehended danger.

7 **(E) (1) FOR PURPOSES OF THIS SUBSECTION, "CORRECTIONAL OFFICER"**
8 **HAS THE MEANING STATED IN § 8-201 OF THE CORRECTIONAL SERVICES ARTICLE.**

9 **(2) AN APPLICANT FOR A PERMIT IS PRESUMED TO HAVE A GOOD AND**
10 **SUBSTANTIAL REASON TO CARRY, WEAR, OR TRANSPORT A HANDGUN IF THE**
11 **APPLICANT IS AN ACTIVE CORRECTIONAL OFFICER CERTIFIED UNDER § 8-208 OF**
12 **THE CORRECTIONAL SERVICES ARTICLE.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.