

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1040

(Senator Rosapepe, *et al.*)

Judicial Proceedings

Public Safety - Firearms - Terrorist Watchlist

This bill prohibits the Secretary of State Police from issuing a permit to carry, wear, or transport, a handgun to a person who is on the Terrorist Watchlist maintained by the Terrorist Screening Center (TSC) of the Federal Bureau of Investigation (FBI).

Fiscal Summary

State Effect: The change is procedural in nature for the Department of State Police (DSP) and does not directly affect governmental finances. It is assumed that the bill does not materially affect the number of handgun permits issued by DSP.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: To be issued a permit to carry, wear, or transport 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) 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; (4) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) 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; 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.

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.

Background: TSC maintains and operates the U.S. Government’s consolidated Terrorist Screening Database (TSDB), often referred to as the “Terrorist Watchlist.” TSDB serves as a single database of identifying information about those known or reasonably suspected of being involved in terrorist activity. TSC shares, as appropriate, information from TSDB with government agencies that conduct terrorism screening and serves as a bridge between the law enforcement, homeland security, and intelligence communities, as well as select international partners.

An individual is included in TSDB when there is a reasonable suspicion that the person is a known or suspected terrorist. To meet the reasonable suspicion standard, nominating U.S. government agencies must rely upon articulable intelligence or information which, taken together with rational inferences from those facts, reasonably warrants a determination that an individual is known, suspected to be, or has been knowingly engaged in conduct constituting, in preparation for, in aid of, or related to terrorism or terrorist activities. Based on the totality of the circumstances, a nominating agency must provide an objective factual basis to believe an individual is a known or suspected terrorist.

Agencies and officials who are authorized to conduct terrorist screening in the course of their official duties have access to the information contained in the TSDB to support diplomatic, military, intelligence, law enforcement, immigration, visa, and protective processes. The five major U.S. government agencies that screen with information from the TSDB are (1) the Department of State’s consular officers, for passport and visa screening; (2) the Transportation Security Administration, for aviation security screening (No Fly and Selectee Lists); (3) the FBI’s National Crime and Information Center, for domestic law enforcement screening; (4) the U.S. Customs and Border Protection, for border and port of entry screening; and (5) the Department of Defense, for base access screening. All screening functions are subject to federal laws and regulations protecting privacy and civil liberties.

Additional Comments: DSP indicates that the department does not currently have authorization to access TSDB.

Additional Information

Prior Introductions: None.

Cross File: HB 1000 (Delegate Clippinger, *et al.*) - Judiciary.

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

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