

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 466
Judiciary

(Delegate Cluster, *et al.*)

Handgun Permits - Qualifications - Former and Retired Law Enforcement
Officers

This bill establishes a presumption that an applicant for a permit to wear, carry, or transport a handgun has a good and substantial reason for issuance of the permit if the applicant (1) is a former or retired law enforcement officer who separated or retired from service in good standing with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State; (2) was assigned in the State during employment as a law enforcement officer; and (3) is a resident of the State.

Fiscal Summary

State Effect: As the bill likely impacts only a limited number of people, it is expected that the Department of State Police (DSP) can implement the bill with existing budgeted resources. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, with certain exceptions, 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 a misdemeanor that carries a statutory penalty of more than two years; and (7) 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 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. The Secretary may not charge a fee to (1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment or (2) a retired law enforcement officer of the State or a county or a municipal corporation of the State.

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.

A handgun permit applicant must 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: The Handgun Permit Unit of DSP currently accepts a handgun permit applicant as having a good and substantial reason for issuance of the permit if the person (1) has a valid Law Enforcement Officers Safety Act permit/certification/identification; (2) is an active, former, or retired Maryland law enforcement officer or a retired or former federal law enforcement officer who was assigned in Maryland during the person's employment; (3) permanently resides in Maryland; and (4) submits the application *within one year* from the date the person either retired in good standing or separated in good standing. DSP currently receives less than 150 total applications from former or retired law enforcement officers each year.

There are about 16,000 active handgun permits in Maryland. From 2013 through 2015, DSP received between 2,000 and 2,900 new permit applications annually and between 3,300 and 4,300 renewal applications annually. It generally takes less than two days to receive the results of a national criminal history records check from the Federal Bureau of Investigation and approximately 90 days to process, investigate, and issue a permit. DSP has denied an average of less than 10% of nonpolice-related applications annually, on the basis of a finding that the person did not have a "good and substantial reason" for the permit.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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