

HOUSE BILL 1036

E4

7lr1505

By: **Delegates Rey, Bromwell, Buckel, Carey, Clark, Cluster, Fisher, Glass, S. Howard, Malone, McConkey, Morgan, Parrott, Queen, Saab, Simonaire, B. Wilson, and C. Wilson**

Introduced and read first time: February 8, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2017

CHAPTER _____

1 AN ACT concerning

2 **Firearms – Handgun Permit – Preliminary Approval**

3 FOR the purpose of authorizing a person to apply for preliminary approval of a handgun
4 permit without completing a certain firearm training requirement; requiring the
5 Secretary of State Police to investigate an application for a handgun permit to
6 determine if certain requirements have been satisfied; requiring the Secretary to
7 issue preliminary approval for a handgun permit if the applicant meets certain
8 requirements except for a certain firearm training requirement; requiring an
9 applicant to satisfy a certain firearm training requirement within a certain period of
10 time after receiving notice of preliminary approval of a handgun permit; requiring
11 the Secretary to revoke preliminary approval and deny a handgun permit if an
12 applicant does not fulfill a certain firearm training requirement within a certain
13 period of time; providing for the construction of this Act; and generally relating to
14 handgun permits.

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 5–301(a) and (d)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2016 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 5–306
2 Annotated Code of Maryland
3 (2011 Replacement Volume and 2016 Supplement)

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

6 **Article – Public Safety**

7 5–301.

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

9 (d) “Permit” means a permit issued by the Secretary to carry, wear, or transport
10 a handgun.

11 5–306.

12 (a) Subject to [subsection (c)] **SUBSECTIONS (B) AND (D)** of this section, the
13 Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

14 (1) is an adult;

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

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

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

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

24 (5) except as provided in subsection [(b)] **(C)** of this section, has
25 successfully completed [prior to application and each renewal,] a firearms training course
26 approved by the Secretary that includes:

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

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

31 (ii) classroom instruction on:

- 1 1. State firearm law;
- 2 2. home firearm safety; and
- 3 3. handgun mechanisms and operation; and

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

6 (6) based on an investigation:

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

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

13 (b) **(1) A PERSON MAY APPLY FOR PRELIMINARY APPROVAL OF A PERMIT**
14 **WITHOUT COMPLETING A CERTIFIED FIREARMS TRAINING COURSE UNDER**
15 **SUBSECTION (A) OF THIS SECTION.**

16 **(2) ON APPLICATION FOR PRELIMINARY APPROVAL OF A PERMIT,**
17 **THE SECRETARY SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF THE**
18 **APPLICANT MEETS THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION**
19 **EXCEPT THE REQUIRED CERTIFIED FIREARMS TRAINING COURSE.**

20 **(3) THE SECRETARY SHALL ISSUE PRELIMINARY APPROVAL OF A**
21 **PERMIT IF, AFTER THE INVESTIGATION, THE SECRETARY FINDS THAT, EXCEPT FOR**
22 **THE CERTIFIED FIREARMS TRAINING COURSE, THE APPLICANT MEETS THE**
23 **REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.**

24 **(4) (I) WITHIN 120 DAYS AFTER RECEIPT OF PRELIMINARY**
25 **APPROVAL OF A PERMIT, THE APPLICANT MUST PROVIDE THE SECRETARY WITH**
26 **PROOF OF COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE UNDER**
27 **SUBSECTION (A) OF THIS SECTION.**

28 **(II) IF THE SECRETARY DOES NOT RECEIVE PROOF OF**
29 **COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE, THE SECRETARY**
30 **SHALL REVOKE THE PRELIMINARY APPROVAL AND DENY THE APPLICATION.**

1 **(5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO**
2 **AUTHORIZE THE ISSUANCE OF A PERMIT WITHOUT COMPLETION OF A CERTIFIED**
3 **FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS SECTION.**

4 **(C)** An applicant for a permit is not required to complete a certified firearms
5 training course under subsection (a) of this section if the applicant:

6 (1) is a law enforcement officer or a person who is retired in good standing
7 from service with a law enforcement agency of the United States, the State, or any local
8 law enforcement agency in the State;

9 (2) is a member, retired member, or honorably discharged member of the
10 armed forces of the United States or the National Guard;

11 (3) is a qualified handgun instructor; or

12 (4) has completed a firearms training course approved by the Secretary.

13 **[(c)] (D)** An applicant under the age of 30 years is qualified only if the Secretary
14 finds that the applicant has not been:

15 (1) committed to a detention, training, or correctional institution for
16 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

17 (2) adjudicated delinquent by a juvenile court for:

18 (i) an act that would be a crime of violence if committed by an adult;

19 (ii) an act that would be a felony in this State if committed by an
20 adult; or

21 (iii) an act that would be a misdemeanor in this State that carries a
22 statutory penalty of more than 2 years if committed by an adult.

23 **[(d)] (E)** The Secretary may issue a handgun qualification license, without an
24 additional application or fee, to a person who:

25 (1) meets the requirements for issuance of a permit under this section; and

26 (2) does not have a handgun qualification license issued under § 5–117.1 of
27 this title.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2017.