

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1268
Judiciary

(Delegate McComas, *et al.*)

Public Safety – Pilot Program – Handgun Permit – Church Property

This bill establishes, in Harford County only, an exception to the requirement for a person to have a handgun permit before the person carries, wears, or transports a handgun. By December 31, 2021, the Harford County Sheriff must report to the Governor and the General Assembly specified information regarding the effect of the bill's authorization on the county. **The bill takes effect July 1, 2020, and terminates June 30, 2022.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: Harford County advises that the bill can be implemented with existing resources; however, the City of Havre de Grace advises that the bill likely has an operational impact on the city's law enforcement agency, as the agency is likely unable to immediately verify the validity of any written consent required under the bill. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: A person who has the written consent of the governing board of a bona fide church to carry a handgun on the property of the church during services and gatherings and has the intent to wear, carry, or transport a handgun for purposes related to self-protection or the protection of others while on the property of the church is authorized, without a permit, with advance notice to the Harford County Sheriff, to (1) carry a handgun

on the property of the church during services and gatherings and (2) transport a handgun to and from services and gatherings of the church.

Current Law: With specified exceptions, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person or (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State. For the vehicular prohibition, there is a rebuttable presumption that a person who transports the handgun does so knowingly. A violator is guilty of a misdemeanor and, depending on the circumstances of the violation, subject to a mandatory minimum sentence ranging from 30 days to 5 years and a maximum imprisonment penalty of 3 years for a first offense or 10 years if the violator has specified prior convictions. Certain circumstances also subject the person to monetary fines of amounts between \$250 and \$2,500.

Generally, an applicant for a handgun permit must, among other requirements, 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.

Current law requirements and background relating to the issuance of handgun permits is summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background.**

Additional Information

Prior Introductions: HB 769 of 2019, a similar bill, received an unfavorable report from the House Judiciary Committee.

Designated Cross File: None.

Information Source(s): Harford County; City of Havre de Grace; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2020
mr/lgc

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Appendix – Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit 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 (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 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.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. The applicant must pay the fee by an electronic check, a credit card, or a method of online payment approved by the Secretary.

In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. 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.

In 2019, the Department of State Police (DSP) received 5,283 new applications for handgun permits and 7,945 handgun permit renewal applications. DSP denied 569 applications in the same year. There are currently approximately 26,822 active handgun permits in the State. 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.