

# **SB 338 Support Letter.pdf**

Uploaded by: D.J. Spiker

Position: FAV

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

February 4, 2022

Chairman William C. Smith Jr.  
90 State Circle  
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our members in Maryland, I would like to communicate our strong support for Senate Bill 338.

At present, Maryland Handgun Wear and Carry Permit applicants are required to complete 16-hour certified firearms training course. SB 338 would alter existing law to provide an avenue for law-abiding Marylanders to obtain preliminary approval of a Handgun Wear and Carry Permit contingent upon their subsequent completion of the requisite certified firearms training course within 120 days of receiving the permit.

Under SB 338, those seeking preliminary approval of a Handgun Wear and Carry Permit would still be required to undergo a Maryland State Police investigation to determine that they do not pose a danger to themselves or others and that they have a good and substantial reason to carry a handgun. Should an individual who is granted preliminary approval of a Handgun Wear and Carry Permit fail to obtain the requisite firearms training within 120 of receiving their approval, the permit would be revoked.

This legislation would help to ensure that law-abiding Marylanders have timely access to the means of self-defense. As was seen this summer, the threat of violence can arise with little warning or opportunity for preparation. On a more personal scale, an unanticipated need to provide for one's self-defense can occur can come about at any time. For instance, a woman fleeing domestic violence could have an immediate need to carry a firearm, but may be unable to secure the requisite training for Handgun Wear and Carry Permit in a prompt manner.

Moreover, the ongoing COVID-19 pandemic has made it more difficult to obtain certified firearms training. As Marylanders work together to combat the virus through social distancing, opportunities to congregate have been reduced. Many Marylanders, due to personal health concerns may be reluctant to pursue firearms training in a traditional setting. SB 338 would allow prospective Handgun Wear and Carry Permit holders greater leeway to choose a safe time and setting to complete the required certified firearms training course.

For the foregoing reasons NRA supports 338.

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Spiker".

D.J. Spiker  
Maryland State Director  
NRA-ILA

CC: Senator Jeff Waldstreicher  
Senator Jack Bailey  
Senator Jill P. Carter  
Senator Robert Cassilly  
Senator Shelly Hettleman  
Senator Michael J. Hough  
Senator Susan C. Lee  
Senator Charles E. Sydnor III  
Senator Ron Watson  
Senator Chris West

**DC-W\_SB338\_FAV.pdf**

Uploaded by: Daniel Carlin-Weber

Position: FAV

Daniel J. Carlin-Weber  
SB338 - FAV  
Judicial Proceedings Committee  
2/08/2022

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am a Maryland State Police Qualified Handgun Instructor, a Utah Concealed Firearm Permit Instructor, USCCA Concealed Carry and Home Defense Instructor, NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with them. I come before you today to urge a favorable report of SB338.

Currently, the application process for a Maryland Wear and Carry Permit requires that an applicant complete a 16-hour training course BEFORE submitting their application to the Maryland State Police. As you may know, Maryland law demands that many factors be satisfied before they're issued a permit, such as having a "good and substantial reason" and that they're not prohibited by state or federal law from possessing firearms, among (many) other things. Applicants pay a non-refundable \$75 fee to the State Police to apply and must be Livescan fingerprinted, which usually costs around \$55. Instructors typically charge \$300 or more for the two-day training class with range access and availability sometimes being booked many weeks or even months out. The status quo in Maryland is that one can pay for a course, all the materials and equipment necessary for it, and take two full days of training only to apply for a permit they will likely be denied if *they aren't already certain they'd be approved*. That's roughly \$500 and a lot of time spent for little more than perhaps the friends they made along the way.

Moving the training requirement to after the State Police have otherwise approved an applicant is substantially fairer and wouldn't compromise the State Police's ability to vet applicants. An investigation and all other requirements would still need to be fulfilled *before* one could be approved for the permit. *Then* the onus is on the applicant to satisfy the training requirements. After they provide proof of completion, *only then* would the State Police physically grant the permit. Under no circumstances is someone given a carry permit without the training requirements being met if this bill were to become law.

Despite modeling most of their concealed carry laws after Maryland's, The District of Columbia has offered preliminary approval from the very start of their carry permitting system. Applicants have 45 days to complete training after the Metropolitan Police have investigated and have otherwise given approval. See more about D.C.'s application process here: <https://bit.ly/3ARE4Ot>. The District has since 2017 issued carry permits to all applicants since who complete their training requirements and pass their background checks. It has maintained preliminary approval despite no longer a having a 'good cause' requirement for permit issuance like Maryland currently does. Maryland should be just as reasonable to its applicants as D.C. is to theirs.

Preliminary approval is *fair* and respects the time and finances of each applicant and in no way threatens public safety.

I urge a favorable report.

Daniel J. Carlin-Weber  
225 N Calvert St  
Baltimore, MD 21202  
410-929-1749  
dcw@cwdef.com

**Katie\_Novotny\_FAV\_SB338.pdf**

Uploaded by: Katie Novotny

Position: FAV



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*Written Testimony of Katie Novotny in Support of SB338*

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February 4, 2022

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I support SB338.

This bill makes good sense. It is not reducing the amount of training required by a person who will receive a wear and carry permit. It is simply allowing them to not spend the significant amount of money required to attend the training, unless they are approved to receive a permit. In my research, the initial training generally runs between \$300 and \$600. This is a significant outlay for someone who is unsure if they will be approved by the “good and substantial reason” requirement. The ongoing pandemic has also made it much more difficult for people to access training. Class sizes are limited due to social distancing, ranges have often been closed or have capacity limits, and people whose jobs have been closed have struggled financially. This committee, and the entire Senate have passed this bill in the past. Please take favorable action so that this process may be changed for the better.

Because of these reasons above, I request a favorable report.

Katherine Novotny

District 35B

443-617-7568

Katie.Novotny@hotmail.com

# **MSI Testimony on SB 338 favorable Preliminary appr**

Uploaded by: Mark Pennak

Position: FAV



February 8, 2022

## **WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 338**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), non-profit, all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in support of SB 338.

Firearms Safety Act of 2013 requires that a person complete a 16 hour training course, taught by a State certified instructor, “prior to application” for a carry permit. MD Code, Public Safety, § 5-306(a)(5). Senate Bill 338 would amend Section 5-306 to delete the requirement that the training be completed “prior to application.” It then provides that a person may file an initial application for a wear and carry permit without completing the training and directs that the State Police to issue a preliminary approval if the person is otherwise qualified for the permit. The person then has 120 days after receipt of the preliminary approval to furnish the State Police the certificate of training otherwise required by the regulations. A permit does not issue until that training certificate is provided. If no certificate of training is provided, the State Police are directed to revoke the preliminary approval and deny the permit application.

This bill makes sense. Indeed, this same bill passed the House of Delegates in 2017 as HB 1036 and that bill was reported out this Committee with a favorable report. The bill only failed to become law that year because time ran out at sine die. In 2020, the same bill (SB 506) was favorably reported out by this Committee and unanimously passed the Senate, only to die in the House with the shortened legislative session due to COVID 19. Last Session, this same preliminary approval legislation (SB 309) was passed by the Senate, but died in the House. This bill, SB 338, is not materially different than these bills that have passed the Senate and the House in years past.

To be clear, the existing, very rigorous training requirements are not relaxed in the slightest under this bill and no permit may be issued without a person satisfying those requirements. That training, however, is relatively hard to find and can be quite expensive, running from around \$300 up to \$600 for each person in a class. This high cost reflects the number of hours required and the mandatory live-fire course mandated by the State Police. That live-

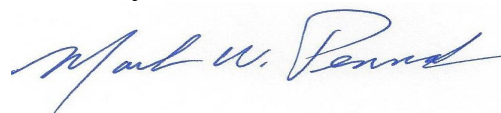
fire requirement necessitates access to a range, which are relatively few in number in Maryland and most commonly privately owned and operated. Many, if not most, instructors require a minimum number of persons in a class, typically ten, and classes are not held until that minimum number of persons actually sign up for the class. For these reasons, a person will need at least 120 days to find the course and secure training. This bill allows a person to apply without undergoing that initial and substantial expense, which would be completely wasted if the State Police were to determine that the person is not otherwise qualified for the permit.

Other jurisdictions follow this same approach. For example, California imposes a “good cause” requirement for a carry permit. See CA Penal Code 26202. That “good cause” requirement is quite similar to the Maryland “good and substantial reason” requirement imposed by MD Code Public Safety §5-306(a)(6)(ii). California, like Maryland, likewise imposes a 16 hour training requirement. CA Penal Code § 26165. Yet, that same provision also provides that “[t]he applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.” See also Section 26202 (“If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165.”).

The District of Columbia and Delaware also follow this approach. See D.C. Mun. Regs. Tit. 24, § 2336.4 (“An applicant may submit to the Chief the application required under § 2337 without including the certificate of completion of training required by this section; provided that if the Chief preliminarily approves the application pursuant to §2339, the applicant has forty-five (45) days to submit the certificate of completion and successfully complete the range training”); 2 DE Code § 1441(e) (allowing a permit to be issued on an approved application after submission of a certificate of completion of the required training, but not establishing any firm deadline for such submission).

There is no good reason why Maryland cannot give preliminary approval as contemplated by this bill. In 2017, the representative of the Maryland State Police testified that the State Police can accommodate this approach without a problem. See Video of Testimony by State Police on HB 162 before the House Judiciary Committee (Feb. 7, 2017), available at <http://mgahouse.maryland.gov/mga/play/421c69fc-fd71-4351-bb1a-f78440aa18f4/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1499000> (exchange with Del. Anderson, starting at 29.00 minutes). This is just good government. We urge a favorable report.

Sincerely,



Mark W. Pennak  
President, Maryland Shall Issue, Inc.  
mpennak@marylandshallissue.org

**2022-02-08 SB 338 (Oppose).pdf**

Uploaded by: Hannibal Kemerer

Position: UNF

**BRIAN E. FROSH**  
*Attorney General*



**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

February 8, 2022

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Office of the Attorney General

Re: **SB0338 – Handgun Permit – Preliminary Approval – Letter of Opposition**

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The Office of the Attorney General urges Judicial Proceedings Committee to unfavorably report SB 338. Maryland's wear, carry, and transport handgun law is a carefully crafted compromise that has withstood judicial challenges. Among other things, current law ensures that handgun purchasers have completed a certified firearms training course to help ensure that those who possess firearms know how to do so safely.

Senate Bill 338, however, would require the Secretary of the State Police to issue a preliminary approval of any applicants wear, carry, and transport application while providing the applicant 120 days after receipt of preliminary approval to take the required safety class. This is a classic instance of putting the cart before the horse. We should, of course, require handgun training before granting preliminary handgun wear, carry, or transport approvals. Otherwise, someone who is unskilled and untrained in the safe possession of firearms could spend upwards of four months wearing, carrying, or transporting the firearm before completing necessary and effective public safety training.

For all of the foregoing reasons, the Office of Attorney General urges an unfavorable report on SB 338.

cc: Committee Members

**2022 SB 0338 - UNFAVORABLE.pdf**

Uploaded by: Ken Phelps

Position: UNF



# THE EPISCOPAL DIOCESE OF MARYLAND

## TESTIMONY IN OPPOSITION OF SB 0338:

### Handgun Permit – Preliminary Approval

**\*\*UNFAVORABLE\*\***

February 4, 2022

**TO:** Hon, William C. Smith Jr., Chair, Hon. Jeff Waldstreicher, Vice Chair and the members of the Senate Judicial Proceedings Committee

**FROM:** Rev. Kenneth O. Phelps, Jr., Co-Chair, Maryland Episcopal Public Policy Network, Diocese of Maryland

**DATE:** February 4, 2022

Non-violence is at the core of Christian faith and practice. The teachings of Jesus – as contained in the New Testament – call the faithful to a rejection of a system of retribution and righteous violence and into an alternative way of living that is based on unconditional love of neighbor and accountability for the common good.

We cannot normalize violence or contemplate its use ever as being for the right. And, we do not believe that the answer to escalating gun violence is an increase in the number of guns on the street.

Our bishops have called for common sense gun safety measures that enjoy the support of gun owners and non-gun owners alike: handgun purchaser licensing; background checks on all gun purchasers; restrictions on gun ownership by domestic abusers; classification of gun trafficking as a federal crime; encouragement for the development of “smart gun” technology; and, federal funding for research into gun violence prevention strategies – long overdue. And, our Church has passed numerous resolutions calling for many of these measures.

It is the opinion of our Public Policy network, that this bill serves only to undermine efforts to ensure that those who purchase firearms are deemed fit to do so and opens the door to potentially violent behavior during the proposed 120 day investigation period. Why make it easier for someone with violent intent to own a gun?

We request an unfavorable report



# **SB 338 - Firearms - Handgun Permit - Preliminary A**

Uploaded by: Laure Ruth

Position: UNF

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BILL NO.: Senate Bill 338  
TITLE: Firearms - Handgun Permit - Preliminary Approval  
COMMITTEE: Judicial Proceedings  
DATE: February 8, 2022  
POSITION: **OPPOSE**

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Senate Bill 338 would modify the sequence of requirements that an applicant for a handgun must complete before obtaining a handgun permit. The Women's Law Center opposes this bill as we believe public policy should not provide opportunities for gun owners to have access to firearms prior to receiving vitally important training.

In SB 338, an applicant for a handgun permit need not successfully complete a certified firearms training course prior to obtaining preliminary approval for a handgun permit. SB 338 still requires an applicant to complete the certified firearms training course and provide proof to the Secretary of Public Safety of the completion of the certified firearms training course within 120 days of receipt of preliminary approval for the handgun permit. Absent completion of the certified firearms training course within the 120 days, SB 338 provides for the revocation of the preliminary approval and denial of the handgun permit.

However, through our work with victims of domestic violence, we know that the introduction of firearms in domestic violence situations increases the possibility of serious injury or lethality. This may be especially true in a volatile situation where the holder of a handgun is not properly trained in its use in advance of having a permit issued to wear, carry, or transport a handgun. Without completing the certified firearms training course in the present sequence required under the current law, there may be a period of time when an applicant has legal entitlement to a handgun without adequate safety training. Maryland's emphasis on firearms safety as expressed in our current law is vital to reduce the likelihood that these dangerous weapons will be misused. Under SB 338, during those 120 days, before revocation and denial of the permit can occur, the person has the gun and may use it. Because of the potential danger of an applicant's use of firearms without appropriate preparation, we urge an unfavorable report on SB 338.

For the above reasons, the Women's Law Center of Maryland urges an unfavorable report for SB 338.

*The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.*

# **SB 338 Handgun Permit-Preliminary Approval.pdf**

Uploaded by: Willow Goode

Position: UNF



## TESTIMONY TO SENATE JUDICIAL PROCEEDINGS

### SB338 Handgun Permit-Preliminary Approval

**Position: Unfavorable**

**By: Nancy Soreng, President**

**Date: February 8, 2022**

The League of Women Voters of Maryland **urges an unfavorable report on Senate Bill 338** which would allow for a person to apply for preliminary approval for a handgun permit without first completing a firearms training course. Within 120 days after receipt of preliminary approval an applicant must submit proof of completion of a firearms training course. If no proof of completion of a firearms training course is received the bill states "the secretary shall revoke the preliminary approval and deny the application".

The League supports licensing procedures for gun ownership by private citizens to include a waiting period for background checks, personal identity verification, gun safety education, and annual license renewal. We also support a requirement of a proficiency test as part of the procedure for obtaining a hunting license. The purpose of the test is to assure gun owners can safely operate their firearm.

Daily news of shootings dominates the headlines and many people have grown numb to the violence in our communities. For numerous students, businesses, and workplaces active shooter drills have become something that Americans have grown accustomed to. Allowing citizens to have preliminary permit approval before completing a firearms training course is like issuing a driver's license before someone takes a behind the wheel driving course. Let's reverse this trend of escalating gun violence by ensuring all gun owners are properly trained before receiving a permit.

For these reasons, we urge an **unfavorable** report.