

BY: Delegate Owings

AMENDMENTS TO HOUSE BILL NO. 297, AS AMENDED

(First Reading File Bill - Committee Reprint)

AMENDMENT NO. 1

On page 2, in line 11, before “defining” insert “altering the requirements and procedures for application for, and issuance of, a handgun permit; authorizing the holder of a permit to carry a handgun for self-defense; eliminating the requirement that the holder have a good and substantial reason to carry a handgun; specifying that the holder may conceal the handgun in a certain manner; altering or eliminating certain fees; requiring certain information on a certain application form; establishing procedures for renewal or replacement of a permit; eliminating modified and limited handgun permits; requiring permanent expiration of a permit that has not been renewed within a certain time after its date of expiration; authorizing the Secretary to suspend processing an application if the applicant is arrested for a crime that would render the applicant ineligible to receive a permit; enumerating places where a permit holder may not wear, carry, or transport a handgun; authorizing the holder of a similar permit from another state to wear, carry, or transport a handgun in this State; requiring the Secretary to maintain an accessible listing of permit holders accessible to law enforcement agencies only; providing certain immunity to the Secretary and employees from liability for unlawful acts committed by the permit holder with a handgun under certain circumstances; creating a self-defense and personal safety fund; establishing that possession of a permit constitutes sufficient evidence of a background check under certain federal law; establishing certain penalties; prohibiting the Secretary from regulating or restricting the issuance of a permit except as provided in this Act; applying this Act to the reissuance of a permit issued before the effective date of this Act; authorizing the Secretary to reissue a permit to a certain individual who received a permit prior to the effective date of this Act under certain circumstances;” and in line 30, after “36B(d),” insert “36E.”

AMENDMENT NO. 2

On page 5, after line 11, insert:

“36E.”

(Over)

(a) A permit to carry a handgun shall be issued [within a reasonable time] by the Secretary of the State Police, upon application under oath therefor, to any person whom the Secretary finds:

(1) IS A RESIDENT OF THE UNITED STATES;

[(1)] (2) Is [eighteen] 21 years of age or older; [and]

[(2)] (3) Has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted of such a crime, has been pardoned or has been granted relief pursuant to Title 18, § 925(c) of the United States Code; [and]

[(3)] (4) Has not been committed to any detention, training, or correctional institution for juveniles for longer than one year after an adjudication of delinquency by a juvenile court; provided, however, that a person shall not be disqualified by virtue of this paragraph [(3)] if, at the time of the application, more than ten years has elapsed since his release from such institution; [and]

[(4)] (5) Has not been convicted of any offense involving the possession, use, or distribution of controlled dangerous substances[;] and is not presently an addict, an habitual user of any controlled dangerous substance not under legitimate medical direction, or an alcoholic; [and]

[(5) Has, based on the results of investigation, not exhibited a propensity for violence or instability which may reasonably render his possession of a handgun a danger to himself or other law-abiding persons; and]

(6) HAS NOT BEEN CONVICTED OF RAPE, SPOUSAL ASSAULT, ABUSE OF A CHILD UNDER § 35C OF THIS ARTICLE, OR A SEXUAL OFFENSE IN THE FIRST THROUGH FOURTH DEGREE;

(7) HAS NOT BEEN COMMITTED FOR MORE THAN 72 HOURS TO A MENTAL HEALTH FACILITY OR VETERANS' ADMINISTRATION HOSPITAL IN THIS OR ANY OTHER STATE FOR THE TREATMENT OF A MENTAL DISORDER;

(8) HAS DEMONSTRATED COMPETENCE WITH A HANDGUN BY ANY ONE OF THE FOLLOWING:

(I) SUCCESSFUL COMPLETION OF A COURSE IN FIREARMS AND HUNTER SAFETY APPROVED BY THE DEPARTMENT OF STATE POLICE, OR A SIMILAR COURSE APPROVED BY A SIMILAR AGENCY IN ANOTHER STATE;

(II) SUCCESSFUL COMPLETION OF A NATIONAL RIFLE ASSOCIATION FIREARMS SAFETY OR TRAINING COURSE CONDUCTED BY A NATIONAL RIFLE ASSOCIATION-CERTIFIED INSTRUCTOR;

(III) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED TO THE GENERAL PUBLIC BY A LAW ENFORCEMENT AGENCY, JUNIOR COLLEGE, PRIVATE OR PUBLIC INSTITUTION OR ORGANIZATION, OR FIREARMS TRAINING SCHOOL, TAUGHT BY INSTRUCTORS CERTIFIED OR AUTHORIZED BY THE:

1. NATIONAL RIFLE ASSOCIATION;

2. POLICE TRAINING COMMISSION; OR

3. DEPARTMENT OF NATURAL RESOURCES;

(IV) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED FOR SECURITY GUARDS, PRIVATE DETECTIVES, SPECIAL POLICE, OR MEMBERS OF A DIVISION OR SUBDIVISION OF A LAW ENFORCEMENT OR SECURITY AGENCY AND APPROVED BY THE POLICE TRAINING COMMISSION;

(V) DEMONSTRATION OF EXPERIENCE WITH A HANDGUN THROUGH PARTICIPATION IN AN ORGANIZED SHOOTING COMPETITION OR BY SHOWING PROOF OF MILITARY SERVICE;

(VI) PRESENTATION OF EVIDENCE THAT THE INDIVIDUAL IS LICENSED OR HAS BEEN LICENSED TO CARRY A HANDGUN IN THIS STATE OR ANY OTHER STATE, UNLESS THE LICENSE HAS BEEN REVOKED FOR CAUSE;

(Over)

(9) HAS NO PHYSICAL INFIRMITY WHICH PREVENTS THE SAFE HANDLING OF A HANDGUN; AND

[(6)] (10) [Has, based on the results of investigation, good and substantial reason] HAS THE DESIRE to wear, carry, or transport a [handgun, provided however, that the phrase “good and substantial reason” as used herein shall be deemed to include a finding that such permit is necessary as a reasonable precaution against apprehended danger] HANDGUN FOR LAWFUL SELF-DEFENSE.

(b) (1) Except as provided in paragraph (2) of this subsection, the Secretary may charge a nonrefundable fee not to exceed [\$75] \$80 for an initial application, [\$50] \$25 for a renewal or subsequent application, and [\$10] \$15 for a duplicate [or modified] permit payable at the time an application is filed. The fee may be paid with a personal check, business check, certified check, or money order.

(2) The Secretary may not charge any of the following persons a fee for an initial application, for a renewal or subsequent application, or for a duplicate [or modified] permit for that handgun:

(i) A State, county, or municipal public safety employee who is required to wear or carry a handgun as a condition of government employment; or

(ii) A retired law enforcement officer of the State or of a county or municipal corporation of the State.

(3) Notwithstanding the above fees, the applicant shall submit, IN PERSON, to the Department of State Police AT A STATE POLICE HEADQUARTERS, BARRACKS, OR DETACHMENT AN APPLICATION WHICH REQUIRES ONLY:

(i) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE APPLICANT;

(II) A complete set of the applicant's legible fingerprints taken on standard fingerprint cards; [and

(ii) Payment for the cost of the fingerprint card record checks.]

(III) A SIGNED STATEMENT THAT THE APPLICANT MEETS THE CRITERIA AND CONDITIONS LISTED IN SUBSECTION (A) OF THIS SECTION;

(IV) A SIGNED STATEMENT THAT THE APPLICANT HAS RECEIVED A COPY OF THIS SECTION AND HAS READ AND UNDERSTANDS IT;

(V) A FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT WHICH MEASURES ONE AND ONE-HALF OF AN INCH WIDE AND ONE AND ONE-HALF OF AN INCH HIGH AND WHICH SHOWS THE APPLICANT'S HEAD AND HAIR; AND

(VI) DOCUMENTATION OF COMPETENCY AS REQUIRED BY SUBSECTION (A) OF THIS SECTION. THE DOCUMENTATION MAY BE:

1. A PHOTO COPY OF A CERTIFICATE OF COMPLETION OF A COURSE OR CLASS;

2. AN AFFIDAVIT FROM AN INSTRUCTOR, SCHOOL, ORGANIZATION, OR ASSOCIATION THAT SPONSORED A COURSE OR CLASS;

3. A COPY OF A DOCUMENT THAT REPORTS THE APPLICANT'S PARTICIPATION IN A SHOOTING COMPETITION; OR

4. ANY OTHER DOCUMENT THAT IS ACCEPTABLE TO THE SECRETARY.

(4) THE APPLICATION FORM SHALL INCLUDE A CONSPICUOUS WARNING THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT KNOWINGLY MAKING A FALSE STATEMENT SUBJECTS THE APPLICANT TO PROSECUTION UNDER SUBSECTION (D) OF THIS SECTION.

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(5) (I) WITHIN 90 DAYS OF RECEIPT OF ALL THE ITEMS LISTED IN PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY SHALL:

1. APPROVE THE APPLICATION AND ISSUE THE PERMIT; OR

2. REJECT THE APPLICATION BASED SOLELY ON THE GROUNDS THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA LISTED IN THIS SUBSECTION AND SUBSECTION (A) OF THIS SECTION.

(II) THE SECRETARY SHALL NOTIFY THE APPLICANT OF THE REJECTION IN WRITING, STATING THE GROUNDS FOR REJECTION AND INFORMING THE APPLICANT OF THE RIGHT TO APPEAL UNDER SUBSECTION (J) OR SUBSECTION (K) OF THIS SECTION.

(6) A PERMIT SHALL INCLUDE A COLOR PHOTOGRAPH OF THE HOLDER OF THE PERMIT.

(c) (1) A permit issued under this section shall expire [on the last day of the holder's birth month following two] 4 years after its DATE OF issuance. [The permit may be renewed, upon application and payment of the renewal fee, for successive periods of three years each, if the applicant, at the time of application, possesses the qualifications set forth in this section for the issuance of a permit.]

(2) NO LESS THAN 90 DAYS BEFORE EXPIRATION OF A PERMIT, THE SECRETARY SHALL MAIL WRITTEN NOTICE OF THE EXPIRATION AND A RENEWAL FORM TO THE HOLDER OF A PERMIT.

(3) THE APPLICANT MAY RENEW THE PERMIT FOR A PERIOD OF 4 YEARS ON OR BEFORE THE EXPIRATION DATE BY SUBMITTING TO THE SECRETARY:

(I) THE RENEWAL FORM;

(II) A NOTARIZED AFFIDAVIT STATING THAT THE APPLICANT IS STILL ELIGIBLE TO WEAR, CARRY, OR TRANSPORT A HANDGUN UNDER SUBSECTION (A) OF THIS SECTION;

(III) A COLOR PHOTOGRAPH AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION; AND

(IV) THE APPROPRIATE RENEWAL FEE, EXCEPT THAT AN APPLICANT WHO FAILS TO FILE FOR A RENEWAL BEFORE THE EXPIRATION DATE SHALL SUBMIT ALSO A LATE FEE OF \$15.

(4) A PERMIT MAY NOT BE RENEWED IF 180 DAYS OR MORE HAVE PASSED SINCE ITS EXPIRATION, AND IT SHALL BE CONSIDERED PERMANENTLY EXPIRED. AN APPLICANT WHOSE PERMIT IS CONSIDERED PERMANENTLY EXPIRED MAY APPLY FOR A NEW PERMIT UNDER SUBSECTION (B) OF THIS SECTION.

(5) WITHIN 30 DAYS AFTER A CHANGE OF PERMANENT ADDRESS OR LOSS OR DESTRUCTION OF THE PERMIT, THE HOLDER OF THE PERMIT SHALL NOTIFY THE SECRETARY OF THE CHANGE OF ADDRESS OR LOSS OR DESTRUCTION OF THE PERMIT. IF THE HOLDER FAILS TO NOTIFY THE SECRETARY, THE HOLDER SHALL BE LIABLE FOR A PENALTY NOT EXCEEDING \$25. IF A PERMIT IS LOST OR DESTROYED, THE PERMIT SHALL BE CONSIDERED INVALID. THE HOLDER OF THE PERMIT MAY APPLY FOR A DUPLICATE BY SUBMITTING TO THE SECRETARY:

(I) THE APPROPRIATE FEE;

(II) A NOTARIZED STATEMENT THAT THE PERMIT WAS LOST OR DESTROYED; AND

(III) A COLOR PHOTOGRAPH AS SPECIFIED IN SUBSECTION (B) OF THIS SECTION.

(6) THE SECRETARY MAY SUSPEND PROCESSING AN APPLICATION, OR THE RENEWAL, OR REPLACEMENT OF A PERMIT IF THE APPLICANT IS ARRESTED FOR A CRIME THAT WOULD DISQUALIFY THE APPLICANT FROM OBTAINING A PERMIT UNDER THIS SECTION. THE SUSPENSION MAY REMAIN IN EFFECT UNTIL

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FINAL DISPOSITION OF THE CASE.

[(d) The Secretary may, in any permit issued under this section, limit the geographic area, circumstances, or times during the day, week, month, or year in or during which the permit is effective. The Secretary may reduce the cost of the permit accordingly, if the permit is granted for one day only and at one place only.]

(D) AN APPLICANT WHO KNOWINGLY SUBMITS FALSE INFORMATION TO THE SECRETARY IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.

(E) (1) NO PERMIT ISSUED UNDER THIS SECTION MAY AUTHORIZE THE HOLDER OF A PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN INTO:

(I) A POLICE, SHERIFF, OR HIGHWAY PATROL STATION;

(II) A DETENTION FACILITY, PRISON, OR JAIL;

(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COURTHOUSE, COURTROOM, OR ANY OTHER LOCATION WHERE A JUDICIAL PROCEEDING TAKES PLACE;

(IV) A POLLING PLACE DURING A BONA FIDE ELECTION;

(V) A MEETING OF A LEGISLATURE OR COMMITTEE OF A LEGISLATURE;

(VI) A MEETING OF A GOVERNING BODY OF A COUNTY, PUBLIC SCHOOL DISTRICT, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT;

(VII) THE PORTION OF AN ESTABLISHMENT LICENSED TO DISPENSE ALCOHOLIC BEVERAGES IN WHICH THE PRIMARY PURPOSE IS THE CONSUMPTION OF ALCOHOLIC BEVERAGES; OR



(VIII) ANY PLACE WHERE THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN IS FORBIDDEN BY FEDERAL LAW.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A JUDGE FROM CARRYING A HANDGUN INTO THE COURTROOM OR DETERMINING WHO MAY CARRY A HANDGUN INTO THE COURTROOM.

[(e)] (F) (1) Any person to whom a permit shall be issued or renewed shall carry such permit AND A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION in his possession every time he [carries,] wears, CARRIES, or transports a handgun. A permit issued pursuant to this section shall be valid for any handgun legally in the possession of the person to whom the permit was issued.

(2) THE HOLDER OF A PERMIT MAY WEAR, CARRY, OR TRANSPORT A HANDGUN ON OR ABOUT THE HOLDER'S PERSON, IN A PURSE OR PORTFOLIO, OR IN A PLACE READILY ACCESSIBLE BUT HIDDEN FROM SIGHT.

(3) THE HOLDER OF A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN ISSUED BY ANOTHER STATE FOR THE SAME PURPOSE AND UNDER CONDITIONS SIMILAR TO THIS SECTION MAY WEAR, CARRY, AND TRANSPORT A HANDGUN IN THIS STATE. THE HOLDER MUST BE IN POSSESSION OF THE PERMIT AND A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION WHILE WEARING, CARRYING, OR TRANSPORTING A HANDGUN IN THIS STATE.

[(f)] (G) The Secretary may revoke any permit issued or renewed at any time upon a finding that (i) the holder no longer satisfies the qualifications set forth in subsection (a), or (ii) the holder of the permit has violated subsection [(e)] (F)(1) hereof. A person holding a permit which is revoked by the Secretary shall return the permit to the Secretary within ten days after receipt of notice of the revocation. Any person who fails to return a revoked permit in violation of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than \$1,000, or be imprisoned for not more than one year, or both.

(H) THE SECRETARY AND EMPLOYEES INVOLVED IN THE PROCESSING OF AN APPLICATION, RENEWAL, OR REPLACEMENT OF A PERMIT MAY NOT BE HELD CIVILLY OR CRIMINALLY LIABLE FOR UNLAWFUL ACTS INVOLVING THE USE OF A HANDGUN COMMITTED BY THE HOLDER OF A PERMIT UNLESS THE SECRETARY OR EMPLOYEE HAD ACTUAL KNOWLEDGE AT THE TIME OF ISSUE, REISSUE, OR REPLACEMENT OF A PERMIT THAT THE APPLICANT WAS DISQUALIFIED BY LAW FROM WEARING, CARRYING, OR TRANSPORTING A HANDGUN.

(I) (1) THERE IS A SELF-DEFENSE AND PERSONAL SAFETY FUND IN THE DEPARTMENT OF STATE POLICE. THE FUND CONSISTS OF:

(I) ALL FEES COLLECTED AND PENALTIES IMPOSED UNDER THIS SECTION; AND

(II) MONEYS RECEIVED BY GRANT, DONATION, APPROPRIATION, OR FROM ANY OTHER SOURCE.

(2) THE SECRETARY SHALL USE THE FUND TO COVER THE COSTS OF FULFILLING THE DUTIES AND RESPONSIBILITIES OF THE SECRETARY UNDER THIS SECTION.

(3) THE FUND IS A CONTINUING, NONLAPSING SPECIAL FUND, AND IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(4) THE STATE TREASURER SHALL HOLD AND THE STATE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(5) THE FUND SHALL BE INVESTED AND REINVESTED AND ANY INVESTMENT EARNINGS SHALL BE PAID INTO THE FUND.

[(g)] (J) (1) Any person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked [or limited] may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action.

(2) The informal review may include a personal interview of the applicant and is not subject to the Administrative Procedure Act.

(3) Pursuant to the informal review, the Secretary shall [sustain, reverse, or modify] SUSTAIN OR REVERSE the initial action taken and notify the applicant of the decision in writing within 30 days after receipt of the request for informal review.

(4) Institution of proceedings under this section is within the discretion of the applicant and is not a condition precedent to institution of proceedings under subsection [(h)] (K) of this section.

[(h)] (K) (1) There is created a Handgun Permit Review Board as a separate agency within the Department of Public Safety and Correctional Services. The Board shall consist of five members appointed from the general public by the Governor with the advice and consent of the Senate of Maryland and shall hold office for terms of three years. The members shall hold office for a term of one, two, and three years, respectively, to be designated by the Governor. After the first appointment, the Governor shall annually appoint a member of the Board in the place of the member whose term shall expire. Members of the Board shall be eligible for reappointment. In case of any vacancy in the Board, the Governor shall fill the vacancy by the appointment of a member to serve until the expiration of the term for which the person had been appointed. Each member of the Board shall receive per diem compensation as provided in the budget for each day actually engaged in the discharge of his official duties as well as reimbursement, in accordance with the Standard State Travel Regulations, for all necessary and proper expenses.

(2) Any person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked [or limited] may request the Board to review the decision of the Secretary by filing a written request for review with the Board within ten days after receipt of written notice of the Secretary's final action. The Board shall, within 90 days after receipt of the request, either review the record developed by the Secretary, or conduct a hearing. In conducting its review of the decision of the Secretary, the Board may receive and consider any additional evidence submitted by any party. Based upon its consideration of the record, and any additional evidence, the Board shall either sustain[, ] OR reverse [or modify] the decision of the Secretary. If the action taken

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by the Board results in the rejection of an application for a permit or renewal of a permit or the revocation [or limitation] of a permit, the Board shall submit in writing to that person the reasons for the action taken by the Board.

(3) Any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with the provisions of Title 10, Subtitle 2 of the State Government Article; provided, however, that no court of this State shall order the issuance or renewal of a permit [or alter any limitations on a permit] pending final determination of the proceeding.

(4) Any person whose application for a permit or renewal of a permit has not been acted upon by the Secretary within 90 days after the application was submitted, may request the Board for a hearing by filing a written request for such a hearing with the Board.

[(i)] (L) Notwithstanding any other provision of this subheading, the following persons may, to the extent authorized prior to March 27, 1972, and subject to the conditions specified in this subsection and subsection [(j)] (M) hereof, continue to wear, carry, or transport a handgun without a permit:

(1) Holders of special police commissions issued under Title 4, Subtitle 9 of Article 41 of the Annotated Code of Maryland, while actually on duty on the property for which the commission was issued or while traveling to or from such duty;

(2) Uniformed security guards, special railway police, and watchmen who have been cleared for such employment by the Department of State Police, while in the course of their employment or while traveling to or from the place of employment;

(3) Guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while traveling to or from the place of employment; and

(4) Private detectives and employees of private detectives previously licensed under former Article 56, § 90A of the Code, while in the course of their employment or while traveling to or from the place of employment.

[(j)] (M) Each person referred to in subsection [(i)](L) hereof shall, within one year after March 27, 1972, make application for a permit as provided in this section. Such application shall include evidence satisfactory to the Secretary of the State Police that the applicant is trained and qualified in the use of handguns. The right to wear, carry, or transport a handgun provided for in subsection [(i)] (L) hereof shall terminate at the expiration of one year after March 27, 1972, if no such application is made, or immediately upon notice to the applicant that his application for a permit has not been approved.

[(k)] (N) As used in this section, Secretary means the Secretary of the State Police, acting directly or through duly authorized officers and agents of the Secretary.

[(l)] (O) It is unlawful for a person to whom a permit has been issued or renewed to carry, wear, or transport a handgun while he is under the influence of alcohol or drugs. A person violating this subsection is guilty of a misdemeanor, and upon conviction he shall be fined \$1,000 or be imprisoned for not more than one year or both.

(P) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE REGISTRATION, DOCUMENTATION, OR PROVISION OF SERIAL NUMBERS OF ANY HANDGUN OWNED BY THE HOLDER OF A PERMIT.

(Q) THE SECRETARY SHALL MAINTAIN AN AUTOMATED LISTING OF HOLDERS OF PERMITS THAT SHALL BE AVAILABLE, UPON REQUEST, AT ALL TIMES TO ALL LAW ENFORCEMENT AGENCIES ONLY.

(R) POSSESSION OF A VALID PERMIT ISSUED UNDER THIS SECTION SHALL CONSTITUTE SUFFICIENT EVIDENCE OF A BACKGROUND CHECK REQUIRED UNDER 18 U.S.C. § 922(S).”.

AMENDMENT NO. 3

On page 36, after line 30, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing

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permits to carry handguns for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the wearing, carrying, or transporting of handguns to ensure that no honest, law-abiding individual who qualifies under the provisions of this Act is subjectively or arbitrarily denied the individual's rights.

The General Assembly does not delegate to the Secretary any authority to regulate or restrict the issuing of permits except as provided for in this Act. Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in this Act, or which create restrictions beyond those requirements detailed in this Act are considered to be in conflict with the intent of this Act, and are hereby prohibited. This Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection.

SECTION 5. AND BE IT FURTHER ENACTED, That the provisions of this Act shall apply to the reissue or replacement of any permit to wear, carry, or transport a handgun that was originally issued under this section prior to the effective date of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the provision of Article 27, § 36E(a)(2) of the Code, the Secretary shall reissue or replace a permit to an individual under the age of 21 years but at least 18 years old who was issued a permit under Article 27, § 36E of the Code prior to the effective date of this Act, who can meet all the criteria and conditions of this Act except those in Article 27, § 36E(a)(2) of the Code. This section shall remain in effect until October 1, 1999.”;

in line 31, strike “4.” and substitute “7.”; in line 38, strike “5.” and substitute “8.”; and in line 39, strike “Section 4” and substitute “Section 7”.