
By: Delegates O'Donnell, Owings, Harkins, Bissett, Edwards, Ports, Redmer, M.Burns, Getty, Stocksdale, Schade, Rzepkowski, Jacobs, Leopold, McKee, Klausmeier, Mossburg, Boston, V. Mitchell, Stull, Holt, Walkup, Kach, Klima, Snodgrass, Brinkley, Greenip, Donoghue, Stup, DeCarlo, Schisler, Guns, Weir, Bozman, and McClenahan

Introduced and read first time: February 2, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Self-Defense Act of 1996**

3 FOR the purpose of altering the requirements and procedures for application for, and
4 issuance of, a handgun permit; authorizing the holder of a permit to carry a
5 handgun for self-defense; eliminating the requirement that the holder have a good
6 and substantial reason to carry a handgun; specifying that the holder may conceal
7 the handgun in a certain manner; altering or eliminating certain fees; requiring
8 certain information on a certain application form; establishing procedures for
9 renewal or replacement of a permit; eliminating modified and limited handgun
10 permits; requiring permanent expiration of a permit that has not been renewed
11 within a certain time after its date of expiration; authorizing the Secretary to
12 suspend processing an application if the applicant is arrested for a crime that would
13 render the applicant ineligible to receive a permit; enumerating places where a
14 permit holder may not wear, carry, or transport a handgun; authorizing the holder
15 of a similar permit from another state to wear, carry, or transport a handgun in this
16 State; requiring the Secretary to maintain an accessible listing of permit holders
17 accessible to law enforcement agencies only; providing certain immunity to the
18 Secretary and employees from liability for unlawful acts committed by the permit
19 holder with a handgun under certain circumstances; creating a self-defense and
20 personal safety fund; establishing that possession of a permit constitutes sufficient
21 evidence of a background check under certain federal law; establishing certain
22 penalties; prohibiting the Secretary from regulating or restricting the issuance of a
23 permit except as provided in this Act; applying this Act to the reissuance of a permit
24 issued before the effective date of this Act; authorizing the Secretary to reissue a
25 permit to a certain individual who received a permit prior to the effective date of
26 this Act under certain circumstances; and generally relating to the issuance of a
27 permit to wear, carry, or transport a handgun.

28 BY repealing and reenacting, with amendments,
29 Article 27 - Crimes and Punishments
30 Section 36E
31 Annotated Code of Maryland

2

1 (1992 Replacement Volume and 1995 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 36E.

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

9 (1) IS A RESIDENT OF THE UNITED STATES;

10 [(1)] (2) Is [eighteen] 21 years of age or older; [and]

11 [(2)] (3) Has not been convicted of a felony or of a misdemeanor for which
12 a sentence of imprisonment for more than one year has been imposed or, if convicted of
13 such a crime, has been pardoned or has been granted relief pursuant to Title 18, § 925(c)
14 of the United States Code; [and]

15 [(3)] (4) Has not been committed to any detention, training, or correctional
16 institution for juveniles for longer than one year after an adjudication of delinquency by
17 a juvenile court; provided, however, that a person shall not be disqualified by virtue of
18 this paragraph [(3)] if, at the time of the application, more than ten years has elapsed
19 since his release from such institution; [and]

20 [(4)] (5) Has not been convicted of any offense involving the possession,
21 use, or distribution of controlled dangerous substances[;] and is not presently an addict,
22 an habitual user of any controlled dangerous substance not under legitimate medical
23 direction, or an alcoholic; [and;]

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

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

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

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

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

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

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

9 1. NATIONAL RIFLE ASSOCIATION;

10 2. POLICE TRAINING COMMISSION; OR

11 3. DEPARTMENT OF NATURAL RESOURCES;

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

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

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

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

25 [(6)] (10) [Has, based on the results of investigation, good and substantial
26 reason] HAS THE DESIRE to wear, carry, or transport a [handgun, provided however,
27 that the phrase "good and substantial reason" as used herein shall be deemed to include
28 a finding that such permit is necessary as a reasonable precaution against apprehended
29 danger] HANDGUN FOR LAWFUL SELF-DEFENSE.

30 (b) (1) Except as provided in paragraph (2) of this subsection, the Secretary
31 may charge a nonrefundable fee not to exceed [\$75] \$80 for an initial application, [\$50]
32 \$25 for a renewal or subsequent application, and [\$10] \$15 for a duplicate [or modified]
33 permit payable at the time an application is filed. The fee may be paid with a personal
34 check, business check, certified check, or money order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 1. APPROVE THE APPLICATION AND ISSUE THE PERMIT; OR

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

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

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

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

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

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

17 (I) THE RENEWAL FORM;

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

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

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

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

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

37 (I) THE APPROPRIATE FEE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 [(e)] (F) (1) Any person to whom a permit shall be issued or renewed shall
37 carry such permit AND A VALID DRIVER'S LICENSE OR OTHER FORM OF
38 IDENTIFICATION in his possession every time he [carries,] wears, CARRIES, or

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1 transports a handgun. A permit issued pursuant to this section shall be valid for any
2 handgun legally in the possession of the person to whom the permit was issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (2) Any person whose application for a permit or renewal of a permit has
28 been rejected or whose permit has been revoked [or limited] may request the Board to
29 review the decision of the Secretary by filing a written request for review with the Board
30 within ten days after receipt of written notice of the Secretary's final action. The Board
31 shall, within 90 days after receipt of the request, either review the record developed by
32 the Secretary, or conduct a hearing. In conducting its review of the decision of the
33 Secretary, the Board may receive and consider any additional evidence submitted by any
34 party. Based upon its consideration of the record, and any additional evidence, the Board
35 shall either sustain[,] OR reverse [or modify] the decision of the Secretary. If the action
36 taken by the Board results in the rejection of an application for a permit or renewal of a
37 permit or the revocation [or limitation] of a permit, the Board shall submit in writing to
38 that person the reasons for the action taken by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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1 (R) POSSESSION OF A VALID PERMIT ISSUED UNDER THIS SECTION SHALL
2 CONSTITUTE SUFFICIENT EVIDENCE OF A BACKGROUND CHECK REQUIRED UNDER
3 18 U.S.C. § 922(S).

4 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
5 finds as a matter of public policy and fact that it is necessary to provide statewide uniform
6 standards for issuing permits to carry handguns for lawful self-defense and
7 self-protection, and further finds it necessary to occupy the field of regulation of the
8 wearing, carrying, or transporting of handguns to ensure that no honest, law-abiding
9 individual who qualifies under the provisions of this Act is subjectively or arbitrarily
10 denied the individual's rights.

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
19 shall apply to the reissue or replacement of any permit to wear, carry, or transport a
20 handgun that was originally issued under this section prior to the effective date of this
21 Act.

22 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
23 provision of Article 27, § 36E(a)(2) of the Code, the Secretary shall reissue or replace a
24 permit to an individual under the age of 21 years but at least 18 years old who was issued
25 a permit under Article 27, § 36E of the Code prior to the effective date of this Act, who
26 can meet all the criteria and conditions of this Act except those in Article 27, § 36E(a)(2)
27 of the Code. This section shall remain in effect until October 1, 1999.

28 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1996.