
By: Senator Middlebrooks

Introduced and read first time: January 31, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 20, 1996

CHAPTER ____

1 AN ACT concerning

2 **Handguns - Permits for Retired Law Enforcement Officers**

3 FOR the purpose of establishing a category of handgun permits for certain retired law
4 enforcement officers; providing for the issuance, scope, term, and renewal of a
5 permit; establishing requirements that must be met to qualify for a permit;
6 establishing circumstances under which an applicant will not qualify for a permit;
7 allowing a holder of a permit to wear, carry, or transport a handgun at any time
8 without requiring a finding by the Secretary of the Department of State Police that
9 the holder has a good and substantial reason for doing so; prohibiting the Secretary
10 from charging permit application or renewal fees or from imposing training
11 requirements on applicants; requiring a permit holder to carry the permit whenever
12 the holder carries, wears, or transports a handgun; authorizing the Secretary to
13 revoke a permit under certain circumstances; requiring the holder of a permit that
14 is revoked to return the permit to the Secretary within a certain time period;
15 establishing a penalty for failure to return a revoked permit within the required time
16 period; establishing procedures for an informal review of the Secretary's decision to
17 deny or revoke a permit; allowing a person aggrieved by a final decision of the
18 Secretary to take an appeal under certain conditions; prohibiting a person from
19 carrying, wearing, or transporting a handgun while under the influence of alcohol or
20 drugs; establishing a penalty for carrying, wearing, or transporting a handgun while
21 under the influence of alcohol or drugs; defining certain terms; and generally
22 relating to handgun permits for retired law enforcement officers and the wearing,
23 carrying, or transporting of handguns.

24 BY renumbering

25 Article 27 - Crimes and Punishments

26 Section 36E(a) through (l), respectively

27 to be Section 36E(b) through (m), respectively

2

1 Annotated Code of Maryland
2 (1992 Replacement Volume and 1995 Supplement)

3 BY adding to

4 Article 27 - Crimes and Punishments
5 Section 36E(a) and 36E-1
6 Annotated Code of Maryland
7 (1992 Replacement Volume and 1995 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That Section(s) 36E(a) through (l), respectively, of Article 27 - Crimes
10 and Punishments of the Annotated Code of Maryland be renumbered to be Section(s)
11 36E(b) through (m), respectively.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
13 read as follows:

14 **Article 27 - Crimes and Punishments**

15 36E.

16 (A) A RETIRED LAW ENFORCEMENT OFFICER MAY OBTAIN A PERMIT TO
17 CARRY A HANDGUN BY MEETING THE REQUIREMENTS OF THIS SECTION OR § 36E-1
18 OF THIS SUBHEADING.

19 36E-1.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "LAW ENFORCEMENT OFFICER" MEANS:

23 (I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 727(B) OF
24 THIS ARTICLE; OR

25 (II) AN INDIVIDUAL WHO, IN AN OFFICIAL CAPACITY, IS
26 AUTHORIZED BY THE FEDERAL GOVERNMENT, ANOTHER STATE, OR A SUBDIVISION
27 OF ANOTHER STATE TO MAKE ARRESTS.

28 (3) "PERMIT" MEANS A RETIRED LAW ENFORCEMENT OFFICER'S
29 HANDGUN PERMIT.

30 (4) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF
31 STATE POLICE.

32 (B) (1) THE SECRETARY SHALL ISSUE A PERMIT WITHIN A REASONABLE
33 TIME TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

34 (2) AN APPLICANT SHALL SUBMIT TO THE SECRETARY AN APPLICATION
35 UNDER OATH AND IN THE FORM THAT THE SECRETARY REQUIRES WITHIN 90 DAYS
36 AFTER THE DATE OF THE APPLICANT'S RETIREMENT.

37 (C) TO QUALIFY FOR A PERMIT, AN APPLICANT MUST:

3

1 (1) BE RETIRED AS A LAW ENFORCEMENT OFFICER WITH AT LEAST 20
2 YEARS OF SERVICE AS A LAW ENFORCEMENT OFFICER;

3 (2) HAVE BEEN CERTIFIED AS A LAW ENFORCEMENT OFFICER UNTIL
4 AT LEAST 3 MONTHS BEFORE RETIREMENT BY THE MARYLAND POLICE TRAINING
5 COMMISSION OR EQUIVALENT AGENCY OF THE FEDERAL GOVERNMENT OR THE
6 GOVERNMENT OF ANOTHER STATE; AND

7 (3) BE A RESIDENT OF THIS STATE FOR AT LEAST 30 DAYS BEFORE THE
8 DATE OF APPLICATION.

9 (D) AN APPLICANT DOES NOT QUALIFY FOR A PERMIT IF THE APPLICANT:

10 (1) HAS BEEN CONVICTED OF:

11 (I) A FELONY;

12 (II) A CRIME OF VIOLENCE AS DEFINED IN § 643B OF THIS ARTICLE;

13 (III) A MISDEMEANOR FOR WHICH A SENTENCE OF IMPRISONMENT
14 FOR MORE THAN 1 YEAR HAS BEEN IMPOSED; OR

15 (IV) AN OFFENSE INVOLVING THE POSSESSION, USE, OR
16 DISTRIBUTION OF CONTROLLED DANGEROUS SUBSTANCES;

17 (2) (I) IS CURRENTLY ADDICTED TO DRUGS;

18 (II) IS AN HABITUAL USER OF A CONTROLLED DANGEROUS
19 SUBSTANCE NOT UNDER LEGITIMATE MEDICAL DIRECTION; OR

20 (III) IS AN ALCOHOLIC;

21 (3) HAS, BASED ON THE RESULTS OF INVESTIGATION, EXHIBITED A
22 PROPENSITY FOR VIOLENCE OR INSTABILITY WHICH MAY REASONABLY RENDER
23 THE POSSESSION OF A HANDGUN A DANGER TO THE PERSON IN POSSESSION OR TO
24 OTHER PERSONS; OR

25 (4) RETIRED FROM SERVICE BECAUSE OF DISCIPLINARY ACTION OR TO
26 AVOID DISCIPLINARY OR CRIMINAL ACTION.

27 (E) THE SECRETARY MAY NOT:

28 (1) CHARGE AN ORIGINAL APPLICATION FEE OR A RENEWAL FEE; OR

29 (2) REQUIRE AN APPLICANT FOR A PERMIT OR RENEWAL OF A PERMIT
30 TO MEET A TRAINING REQUIREMENT.

31 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERMIT
32 EXPIRES ON THE LAST DAY OF THE HOLDER'S BIRTH MONTH IN THE SECOND YEAR
33 AFTER ISSUANCE OF THE PERMIT.

34 (2) WITHIN 90 DAYS BEFORE A PERMIT EXPIRES, A HOLDER MAY
35 RENEW THE PERMIT FOR AN ADDITIONAL 2-YEAR TERM IF THE HOLDER SUBMITS A
36 RENEWAL APPLICATION TO THE SECRETARY IN THE FORM THAT THE SECRETARY
37 REQUIRES.

1 (G) A PERMIT ISSUED UNDER THIS SECTION AUTHORIZES THE HOLDER OF
2 THE PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN AT ANY TIME WITHOUT
3 REQUIRING A FINDING BY THE SECRETARY THAT THE HOLDER HAS A GOOD AND
4 SUBSTANTIAL REASON FOR DOING SO.

5 (H) (1) A PERSON WHO IS ISSUED A PERMIT UNDER THIS SECTION SHALL
6 CARRY THE PERMIT WHENEVER THE INDIVIDUAL CARRIES, WEARS, OR
7 TRANSPORTS A HANDGUN.

8 (2) A PERMIT ISSUED UNDER THIS SECTION IS VALID FOR ANY
9 HANDGUN LEGALLY IN THE POSSESSION OF THE PERMIT HOLDER.

10 (I) (1) THE SECRETARY MAY REVOKE A PERMIT ISSUED OR RENEWED AT
11 ANY TIME ON A FINDING THAT THE HOLDER OF THE PERMIT:

12 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINED OR ATTEMPTED
13 TO OBTAIN A PERMIT FOR THE HOLDER OR FOR ANOTHER APPLICANT OR HOLDER;

14 (II) NO LONGER SATISFIES THE QUALIFICATIONS SET FORTH IN
15 SUBSECTION (C) OF THIS SECTION; OR

16 (III) HAS COMMITTED AN ACT THAT WOULD DISQUALIFY AN
17 APPLICANT FOR A PERMIT UNDER SUBSECTION (D) OF THIS SECTION.

18 (2) A PERSON HOLDING A PERMIT THAT IS REVOKED UNDER THIS
19 SUBSECTION SHALL RETURN THE PERMIT TO THE SECRETARY WITHIN 10 DAYS
20 AFTER THE RECEIPT OF NOTICE OF THE REVOCATION.

21 (3) ANY PERSON WHO FAILS TO RETURN A REVOKED PERMIT IN
22 VIOLATION OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON
23 CONVICTION IS SUBJECT TO A FINE OF NOT LESS THAN \$100 AND NOT MORE THAN
24 \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

25 (J) (1) A PERSON WHOSE APPLICATION FOR A PERMIT OR RENEWAL OF A
26 PERMIT HAS BEEN REJECTED OR WHOSE PERMIT HAS BEEN REVOKED MAY
27 REQUEST THE SECRETARY TO CONDUCT AN INFORMAL REVIEW BY FILING A
28 WRITTEN REQUEST WITHIN 10 DAYS AFTER RECEIPT OF WRITTEN NOTICE OF THE
29 SECRETARY'S INITIAL ACTION.

30 (2) THE INFORMAL REVIEW MAY INCLUDE A PERSONAL INTERVIEW OF
31 THE APPLICANT AND IS SUBJECT TO APPEAL AS PROVIDED IN SUBSECTION (K) OF
32 THIS SECTION.

33 (3) PURSUANT TO THE INFORMAL REVIEW, THE SECRETARY SHALL
34 SUSTAIN, REVERSE, OR MODIFY THE INITIAL ACTION TAKEN AND NOTIFY THE
35 APPLICANT OF THE DECISION IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THE
36 REQUEST FOR INFORMAL REVIEW.

37 (4) INSTITUTION OF PROCEEDINGS UNDER THIS SECTION IS WITHIN
38 THE DISCRETION OF THE APPLICANT AND IS NOT A CONDITION PRECEDENT TO
39 INSTITUTION OF PROCEEDINGS UNDER SUBSECTION (K) OF THIS SECTION.

5

1 (K) A PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY MAY
2 TAKE AN APPEAL AS ALLOWED UNDER §§ 10-215 AND 10-216 OF THE STATE
3 GOVERNMENT ARTICLE.

4 (L) (1) A PERSON MAY NOT CARRY, WEAR, OR TRANSPORT A HANDGUN
5 WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

6 (2) ANY PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
7 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
8 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1996.