
By: Delegate Fulton

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly - Handguns - Permits for Members**

3 FOR the purpose of establishing a category of handgun permits for members in good
4 standing of the General Assembly; providing for the issuance, scope, term, and
5 renewal of a permit; establishing requirements, including a training requirement,
6 that must be met to qualify for a permit; establishing circumstances under which an
7 applicant may not qualify for a permit; allowing a holder of a permit to wear, carry,
8 or transport a handgun at any time without requiring a finding by the Secretary of
9 the Department of State Police that the holder has a good and substantial reason
10 for doing so; prohibiting the Secretary from charging permit application or renewal
11 fees; and generally relating to members of the General Assembly and handgun
12 permits.

13 BY renumbering

14 Article 27 - Crimes and Punishments
15 Section 36E(a) through (l), respectively
16 to be Section 36E(b) through (m), respectively
17 Annotated Code of Maryland
18 (1996 Replacement Volume)

19 BY adding to

20 Article 27 - Crimes and Punishments
21 Section 36E(a) and 36E-1
22 Annotated Code of Maryland
23 (1996 Replacement Volume)

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

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

2

1 **Article 27 - Crimes and Punishments**

2 36E.

3 (A) A MEMBER OF THE GENERAL ASSEMBLY MAY OBTAIN A PERMIT TO
4 CARRY A HANDGUN BY MEETING THE REQUIREMENTS OF THIS SECTION OR § 36E-1
5 OF THIS SUBHEADING.

6 36E-1.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
8 INDICATED.

9 (2) "PERMIT" MEANS A HANDGUN PERMIT ISSUED TO A MEMBER OF
10 THE GENERAL ASSEMBLY.

11 (3) "SECRETARY" MEANS THE SECRETARY OF THE DEPARTMENT OF
12 STATE POLICE.

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

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

16 (1) BE A MEMBER IN GOOD STANDING OF THE SENATE OF MARYLAND
17 OR OF THE HOUSE OF DELEGATES; AND

18 (2) SUCCESSFULLY COMPLETE A COURSE OF HANDGUN INSTRUCTION,
19 INCLUDING A FIRING RANGE TEST, THAT HAS BEEN ESTABLISHED BY THE
20 SECRETARY.

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

22 (1) HAS BEEN CONVICTED OF:

23 (I) A FELONY;

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

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

27 (IV) AN OFFENSE INVOLVING THE POSSESSION, USE, OR
28 DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE;

29 (2) (I) IS CURRENTLY ADDICTED TO A CONTROLLED DANGEROUS
30 SUBSTANCE;

31 (II) IS A HABITUAL USER OF A CONTROLLED DANGEROUS
32 SUBSTANCE NOT UNDER LEGITIMATE MEDICAL DIRECTION; OR

33 (III) IS AN ALCOHOLIC; OR

34 (3) BASED ON THE RESULTS OF AN INVESTIGATION, HAS EXHIBITED A
35 PROPENSITY FOR VIOLENCE OR INSTABILITY THAT MAY REASONABLY RENDER THE

3

1 POSSESSION OF A HANDGUN A DANGER TO THE PERSON IN POSSESSION OR TO
2 ANOTHER.

3 (E) THE SECRETARY MAY NOT CHARGE AN ORIGINAL APPLICATION FEE OR
4 A RENEWAL FEE.

5 (F) A PERMIT ISSUED UNDER THIS SECTION AUTHORIZES THE HOLDER OF
6 THE PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN AT ANY TIME WITHOUT
7 REQUIRING A FINDING BY THE SECRETARY THAT THE HOLDER HAS A GOOD AND
8 SUBSTANTIAL REASON FOR DOING SO.

9 (G) (1) A HOLDER OF A PERMIT SHALL CARRY THE PERMIT WHENEVER
10 THE HOLDER CARRIES, WEARS, OR TRANSPORTS A HANDGUN.

11 (2) A PERMIT USED UNDER THIS SECTION IS VALID FOR ANY HANDGUN
12 LEGALLY IN THE POSSESSION OF THE PERMIT HOLDER.

13 (H) (1) THE SECRETARY MAY REVOKE A PERMIT ISSUED OR RENEWED AT
14 ANY TIME IF THE SECRETARY FINDS THAT THE HOLDER OF THE PERMIT:

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

17 (II) IS NOT QUALIFIED UNDER SUBSECTION (C) OF THIS SECTION;
18 OR

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

21 (2) A PERSON WHO HOLDS A PERMIT THAT IS REVOKED UNDER THIS
22 SECTION SHALL RETURN THE PERMIT TO THE SECRETARY WITHIN 10 DAYS AFTER
23 THE RECEIPT OF NOTICE OF THE REVOCATION.

24 (3) A PERSON WHO FAILS TO RETURN A PERMIT IN VIOLATION OF THIS
25 SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A
26 FINE NOT EXCEEDING \$1,000 OR A TERM OF IMPRISONMENT NOT EXCEEDING 1 YEAR
27 OR BOTH.

28 (I) A PERSON AGGRIEVED BY A FINAL DECISION OF THE SECRETARY MAY
29 TAKE AN APPEAL AS ALLOWED UNDER §§ 10-215 AND 10-216 OF THE STATE
30 GOVERNMENT ARTICLE.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1997.