
By: Senator Ferguson

Introduced and read first time: January 27, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Permits - Course Requirements - Qualified Instructors**

3 FOR the purpose of establishing a certain period of time in which the Secretary of the
4 State Police must issue a permit to carry a handgun after an application is approved;
5 raising the minimum age requirement for a holder of a permit to carry a handgun;
6 requiring that an individual be certified by a qualified handgun instructor before
7 that individual may receive a permit for carrying a handgun; imposing certain
8 requirements for certification, including the successful completion of certain course
9 requirements and the achievement of at least a certain score on a certain firing
10 range test; establishing requirements that must be met for issuance of a qualified
11 handgun instructor's card; authorizing the Secretary to deny a qualified handgun
12 instructor's card to any applicant, reprimand any holder of a card, or suspend or
13 revoke a card under certain circumstances; making stylistic changes; and generally
14 relating to permits for carrying a handgun.

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 36E
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

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

22 **Article 27 - Crimes and Punishments**

23 36E.

24 (a) A permit to carry a handgun shall be issued within [a reasonable time] 45
25 DAYS by the Secretary of the State Police, upon application under oath therefor, to any
26 person whom the Secretary finds:

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

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

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

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

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

13 (6) Has, based on the results of investigation, good and substantial reason to
14 wear, carry, or transport a handgun, provided however, that the phrase "good and
15 substantial reason" as used herein shall be deemed to include a finding that such permit
16 is necessary as a reasonable precaution against apprehended danger] IS NOT
17 PROHIBITED FROM POSSESSING A PISTOL OR REVOLVER UNDER § 445(C) OF THIS
18 ARTICLE; AND

19 (6) HAS MET THE HANDGUN CERTIFICATION REQUIREMENTS OF
20 SUBSECTION (B) OF THIS SECTION.

21 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, AN
22 APPLICANT SHALL SUCCESSFULLY COMPLETE A COURSE OF HANDGUN
23 INSTRUCTION, PASS A FIRING RANGE TEST, AND BE CERTIFIED BY A HOLDER OF A
24 QUALIFIED HANDGUN INSTRUCTOR'S CARD BEFORE THE APPLICANT MAY BE
25 GRANTED A PERMIT TO CARRY A HANDGUN.

26 (2) THE COURSE OF HANDGUN INSTRUCTION SHALL INCLUDE AT
27 LEAST:

28 (I) 1 HOUR OF STUDY ON HANDGUN SAFETY ON AND OFF THE
29 FIRING RANGE, IN THE HOME, AND IN TRANSPORT;

30 (II) 1 HOUR OF STUDY ON THE LEGAL RESPONSIBILITIES OF GUN
31 OWNERS; AND

32 (III) 6 HOURS OF STUDY AND TRAINING IN NOMENCLATURE,
33 MAINTENANCE, SIGHT ALIGNMENT, POSITION SHOOTING, DRY-FIRING, AND RANGE
34 PRACTICE WITH A .38 CALIBER REVOLVER, WITH A BARREL LENGTH BETWEEN 2
35 AND 6 INCHES, OR A 9 MM PISTOL.

36 (3) AN APPLICANT IS REQUIRED TO ATTAIN A SCORE OF AT LEAST 70%
37 IN FIRING A .38 CALIBER REVOLVER WITH A BARREL LENGTH BETWEEN 2 AND 6
38 INCHES OR A 9 MM PISTOL AT A PRACTICAL POLICE COURSE THAT DOES NOT
39 EXCEED 25 YARDS.

40 (4) THE SECRETARY MAY WAIVE THE COURSE AND FIRING RANGE
41 TEST REQUIREMENTS FOR AN APPLICANT WHO IS:

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1 (I) A FORMER LAW ENFORCEMENT OFFICER;

2 (II) A MEMBER OF THE ARMED FORCES TRAINED IN THE USE OF
3 HANDGUNS; OR

4 (III) A MEMBER OF AN ACCREDITED GUN CLUB WHO IS APPROVED
5 BY A HOLDER OF A QUALIFIED HANDGUN INSTRUCTOR'S CARD.

6 (C) (1) THE SECRETARY SHALL ISSUE A QUALIFIED HANDGUN
7 INSTRUCTOR'S CARD TO AN APPLICANT WHO MEETS THE REQUIREMENTS OF THIS
8 SUBSECTION.

9 (2) AN APPLICANT SHALL:

10 (I) COMPLETE AND SUBMIT AN APPLICATION FORM PROVIDED BY
11 THE LICENSING DIVISION OF THE STATE POLICE;

12 (II) HAVE HAD FORMAL TRAINING IN THE CARE, SAFETY, AND USE
13 OF HANDGUNS;

14 (III) HAVE ACHIEVED AT LEAST AN 80% SCORE ON A FIRING RANGE
15 TEST AT A PRACTICAL POLICE COURSE; AND

16 (IV) HAVE TAUGHT A COURSE IN THE CARE, SAFETY, AND USE OF
17 HANDGUNS FOR AT LEAST 1 YEAR.

18 (3) A HOLDER OF A QUALIFIED HANDGUN INSTRUCTOR'S CARD MAY
19 CONDUCT HANDGUN TRAINING COURSES AND FIRING RANGE TESTS FOR
20 APPLICANTS FOR PERMITS FOR CARRYING A HANDGUN.

21 (4) SUBJECT TO THE HEARING PROVISIONS OF PARAGRAPH (5) OF THIS
22 SUBSECTION, THE SECRETARY MAY DENY A QUALIFIED HANDGUN INSTRUCTOR'S
23 CARD TO ANY APPLICANT, REPRIMAND ANY HOLDER OF A CARD, OR SUSPEND OR
24 REVOKE A CARD IF THE APPLICANT OR HOLDER:

25 (I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
26 OBTAIN A CARD FOR THE APPLICANT OR ANOTHER INDIVIDUAL;

27 (II) FRAUDULENTLY OR DECEPTIVELY USES A CARD;

28 (III) ENGAGES IN UNSAFE RANGE PRACTICES;

29 (IV) FALSIFIES QUALIFICATION SCORES IN AN APPLICATION FOR A
30 HANDGUN PERMIT;

31 (V) DEVIATES SIGNIFICANTLY FROM THE PRESCRIBED TRAINING
32 COURSE;

33 (VI) IS CONVICTED OF A CRIMINAL OFFENSE THAT WOULD
34 PROHIBIT THE APPLICANT OR HOLDER FROM BUYING OR POSSESSING A FIREARM;
35 OR

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1 (VII) IS CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES THE
2 POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE
3 AS DEFINED BY § 277 OF THIS ARTICLE.

4 (5) (I) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF
5 THE STATE GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL
6 ACTION UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE SECRETARY SHALL GIVE
7 THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
8 OPPORTUNITY FOR A HEARING BEFORE THE SUPERINTENDENT.

9 (II) AN INDIVIDUAL MAY REQUEST A HEARING ONLY WITHIN 10
10 DAYS AFTER RECEIPT OF NOTICE OF THE CONTEMPLATED ACTION.

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

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

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

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

23 (3) Notwithstanding the above fees, the applicant shall submit to the
24 Department of State Police:

25 (i) A complete set of the applicant's legible fingerprints taken on
26 standard fingerprint cards; and

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

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

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

38 [(e)] (G) Any person to whom a permit shall be issued or renewed shall carry such
39 permit in his possession every time he carries, wears, or transports a handgun. A permit
40 issued pursuant to this section shall be valid for any handgun legally in the possession of
41 the person to whom the permit was issued.

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

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

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

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

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

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

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

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1 the revocation or limitation of a permit, the Board shall submit in writing to that person
2 the reasons for the action taken by the Board.

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

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

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

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

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

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

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

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

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

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

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1997.