
By: **Senators Ferguson, Jimeno, Haines, Colburn, Middlebrooks, Dyson,
and Stone**

Introduced and read first time: February 6, 1998

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

16 BY repealing and reenacting, with amendments,
17 Article 27 - Crimes and Punishments
18 Section 36E
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 1997 Supplement)

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

23 **Article 27 - Crimes and Punishments**

24 36E.

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

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

1 (2) Has not been convicted of a felony or of a misdemeanor for which a
2 sentence of imprisonment for more than one year has been imposed or, if convicted of
3 such a crime, has been pardoned or has been granted relief pursuant to Title 18, §
4 925(c) of the United States Code; and

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

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

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

17 (6) Has, based on the results of investigation, good and substantial
18 reason to wear, carry, or transport a handgun, provided however, that the phrase
19 "good and substantial reason" as used herein shall be deemed to include a finding
20 that such permit is necessary as a reasonable precaution against apprehended
21 danger] IS NOT PROHIBITED FROM POSSESSING A PISTOL OR REVOLVER UNDER §
22 445(C) OF THIS ARTICLE; AND

23 (6) HAS MET THE HANDGUN CERTIFICATION REQUIREMENTS OF
24 SUBSECTION (B) OF THIS SECTION.

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

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

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

33 (II) 1 HOUR OF STUDY ON THE LEGAL RESPONSIBILITIES OF GUN
34 OWNERS; AND

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

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

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

7 (I) A FORMER LAW ENFORCEMENT OFFICER;

8 (II) A MEMBER OF THE ARMED FORCES TRAINED IN THE USE OF
9 HANDGUNS; OR

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

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

15 (2) AN APPLICANT SHALL:

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

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

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

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

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

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

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

33 (II) FRAUDULENTLY OR DECEPTIVELY USES A CARD;

34 (III) ENGAGES IN UNSAFE RANGE PRACTICES;

1 (IV) FALSIFIES QUALIFICATION SCORES IN AN APPLICATION FOR A
2 HANDGUN PERMIT;

3 (V) DEVIATES SIGNIFICANTLY FROM THE PRESCRIBED TRAINING
4 COURSE;

5 (VI) IS CONVICTED OF A CRIMINAL OFFENSE THAT WOULD
6 PROHIBIT THE APPLICANT OR HOLDER FROM BUYING OR POSSESSING A FIREARM;
7 OR

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

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

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

18 [(b)] (D)(1) Except as provided in paragraph (2) of this subsection, the
19 Secretary may charge a nonrefundable fee not to exceed \$75 for an initial application,
20 \$50 for a renewal or subsequent application, and \$10 for a duplicate or modified
21 permit payable at the time an application is filed. The fee may be paid with a personal
22 check, business check, certified check, or money order.

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

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

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

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

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

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

35 [(c)] (E) A permit issued under this section shall expire on the last day of the
36 holder's birth month following two years after its issuance. The permit may be
37 renewed, upon application and payment of the renewal fee, for successive periods of

1 three years each, if the applicant, at the time of application, possesses the
2 qualifications set forth in this section for the issuance of a permit.

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

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

12 [(f)] (H) 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)] (G) hereof.
15 A person holding a permit which is revoked by the Secretary shall return the permit
16 to the Secretary within ten days after receipt of notice of the revocation. Any person
17 who fails to return a revoked permit in violation of this section shall be guilty of a
18 misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than
19 \$1,000, or be imprisoned for not more than one year, or both.

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

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

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

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

32 [(h)] (J) (1) There is created a Handgun Permit Review Board as a separate
33 agency within the Department of Public Safety and Correctional Services. The Board
34 shall consist of five members appointed from the general public by the Governor with
35 the advice and consent of the Senate of Maryland and shall hold office for terms of
36 three years. The members shall hold office for a term of one, two, and three years,
37 respectively, to be designated by the Governor. After the first appointment, the
38 Governor shall annually appoint a member of the Board in the place of the member
39 whose term shall expire. Members of the Board shall be eligible for reappointment. In
40 case of any vacancy in the Board, the Governor shall fill the vacancy by the
41 appointment of a member to serve until the expiration of the term for which the
42 person had been appointed. Each member of the Board shall receive per diem

1 compensation as provided in the budget for each day actually engaged in the
2 discharge of his official duties as well as reimbursement, in accordance with the
3 Standard State Travel Regulations, for all necessary and proper expenses.

4 (2) Any person whose application for a permit or renewal of a permit has
5 been rejected or whose permit has been revoked or limited may request the Board to
6 review the decision of the Secretary by filing a written request for review with the
7 Board within ten days after receipt of written notice of the Secretary's final action.
8 The Board shall, within 90 days after receipt of the request, either review the record
9 developed by the Secretary, or conduct a hearing. In conducting its review of the
10 decision of the Secretary, the Board may receive and consider any additional evidence
11 submitted by any party. Based upon its consideration of the record, and any
12 additional evidence, the Board shall either sustain, reverse or modify the decision of
13 the Secretary. If the action taken by the Board results in the rejection of an
14 application for a permit or renewal of a permit or the revocation or limitation of a
15 permit, the Board shall submit in writing to that person the reasons for the action
16 taken by the Board.

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

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

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

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

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1998.