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By: **Senators Ferguson, Stone, Astle, Jimeno, DeGrange, Dyson, Haines,  
Harris, Jacobs, Mooney, Hooper, and Colburn**

Introduced and read first time: February 3, 1999

Assigned to: Judicial Proceedings

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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 certain fees refundable; clarifying language; reducing a  
15 certain fee; increasing certain periods of license renewal; allowing the Secretary  
16 to waive certain costs; increasing the time to make a certain request; decreasing  
17 the amount of time the Secretary shall make certain notifications; increasing  
18 the number of members on the Handgun Permit Review Board; decreasing the  
19 number of days the Handgun Permit Review Board has for certain acts; making  
20 stylistic changes; and generally relating to permits for carrying a handgun.

21 BY repealing and reenacting, with amendments,  
22 Article 27 - Crimes and Punishments  
23 Section 36E  
24 Annotated Code of Maryland  
25 (1996 Replacement Volume and 1998 Supplement)

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

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**Article 27 - Crimes and Punishments**

2 36E.

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

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

7 (2) Has not been convicted of a felony or of a misdemeanor for which a  
8 sentence of imprisonment for more than one year has been imposed or, if convicted of  
9 such a crime, has been pardoned or has been granted relief pursuant to Title 18, §  
10 925(c) of the United States Code; and

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

16 (4) Has not been convicted of any offense involving the possession, use,  
17 or distribution of controlled dangerous substances; and is not presently an addict, an  
18 habitual user of any controlled dangerous substance not under legitimate medical  
19 direction, or an [alcoholic] HABITUAL DRUNKARD; and

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

23 (6) Has, based on the results of investigation, good and substantial  
24 reason to wear, carry, or transport a handgun, provided however, that the phrase  
25 "good and substantial reason" as used herein shall be deemed to include a finding  
26 that such permit is necessary as a reasonable precaution against apprehended  
27 danger] IS NOT PROHIBITED FROM POSSESSING A PISTOL OR REVOLVER UNDER §  
28 445(C) OF THIS ARTICLE; AND

29 (6) HAS MET THE HANDGUN CERTIFICATION REQUIREMENTS OF  
30 SUBSECTION (B) OF THIS SECTION.

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

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

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

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

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

7 (3) AN APPLICANT IS REQUIRED TO ATTAIN A SCORE OF AT LEAST 60% IN  
8 FIRING A .38 CALIBER REVOLVER WITH A BARREL LENGTH BETWEEN 2 AND 6 INCHES  
9 OR A 9 MM PISTOL AT A PRACTICAL POLICE COURSE THAT DOES NOT EXCEED 25  
10 FEET.

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

13 (I) A FORMER LAW ENFORCEMENT OFFICER;

14 (II) A MEMBER OF THE ARMED FORCES TRAINED IN THE USE OF  
15 HANDGUNS;

16 (III) A MEMBER OF AN ACCREDITED GUN CLUB WHO IS APPROVED  
17 BY A HOLDER OF A QUALIFIED HANDGUN INSTRUCTOR'S CARD; OR

18 (IV) A NATIONAL RIFLE ASSOCIATION CERTIFIED HANDGUN  
19 INSTRUCTOR.

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

23 (2) AN APPLICANT SHALL:

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

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

28 (III) HAVE ACHIEVED AT LEAST A 70% SCORE ON A FIRING RANGE  
29 TEST AT A PRACTICAL POLICE COURSE AT A DISTANCE NOT TO EXCEED 25 FEET;

30 (IV) HAVE TAUGHT A COURSE IN THE CARE, SAFETY, AND USE OF  
31 HANDGUNS FOR AT LEAST 1 YEAR; AND

32 (V) BE CERTIFIED AS A NATIONAL RIFLE ASSOCIATION HANDGUN  
33 INSTRUCTOR.

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

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

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

7 (II) FRAUDULENTLY OR DECEPTIVELY USES A CARD;

8 (III) ENGAGES IN UNSAFE RANGE PRACTICES;

9 (IV) FALSIFIES QUALIFICATION SCORES IN AN APPLICATION FOR A  
10 HANDGUN PERMIT;

11 (V) DEVIATES SIGNIFICANTLY FROM THE PRESCRIBED TRAINING  
12 COURSE;

13 (VI) IS CONVICTED OF A CRIMINAL OFFENSE THAT WOULD  
14 PROHIBIT THE APPLICANT OR HOLDER FROM BUYING OR POSSESSING A FIREARM;  
15 OR

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

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

24 (II) AN INDIVIDUAL MAY REQUEST A HEARING ONLY WITHIN 30  
25 DAYS AFTER RECEIPT OF NOTICE OF THE CONTEMPLATED ACTION.

26 [(b)] (D) (1) Except as provided in paragraph (2) of this subsection, the  
27 Secretary may charge a [nonrefundable] REFUNDABLE fee not to exceed \$75 for an  
28 initial application, [\$50] \$35 for a renewal or subsequent application, and \$10 for a  
29 duplicate or modified permit payable at the time an application is filed. The fee may  
30 be paid with a personal check, business check, certified check, or money order.

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

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

36 (ii) A retired law enforcement officer of the State or of a county or  
37 municipal corporation of the State; OR

1 (III) A NATIONAL RIFLE ASSOCIATION CERTIFIED HANDGUN  
2 INSTRUCTOR.

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

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

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

8 [(c)] (E) A permit INITIALLY issued under this section shall expire on the last  
9 day of the holder's birth month following two years after its issuance. [The]  
10 AFTERWARD, THE permit may be renewed, upon application and payment of the  
11 renewal fee, for successive periods of [three] 5 years each, if the applicant, at the time  
12 of application, possesses the qualifications set forth in this section for the issuance of  
13 a permit.

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

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

23 [(f)] (H) The Secretary may revoke any permit issued or renewed at any time  
24 upon a finding that (i) the holder no longer satisfies the qualifications set forth in  
25 subsection (a), or (ii) the holder of the permit has violated subsection [(e)] (G) hereof.  
26 A person holding a permit which is revoked by the Secretary shall return the permit  
27 to the Secretary within ten days after receipt of notice of the revocation. Any person  
28 who fails to return a revoked permit in violation of this section shall be guilty of a  
29 misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than  
30 \$1,000, or be imprisoned for not more than one year, or both.

31 [(g)] (I) (1) Any person whose application for a permit or renewal of a  
32 permit has been rejected or whose permit has been revoked or limited may request  
33 the Secretary to conduct an informal review by filing a written request within [10] 30  
34 days after receipt of written notice of the Secretary's initial action.

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

37 (3) Pursuant to the informal review, the Secretary shall sustain, reverse,  
38 or modify the initial action taken and notify the applicant of the decision in writing  
39 within [30] 10 days after receipt of the request for informal review.

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

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

18 (2) Any person whose application for a permit or renewal of a permit has  
19 been rejected or whose permit has been revoked or limited may request the Board to  
20 review the decision of the Secretary by filing a written request for review with the  
21 Board within [ten] 30 days after receipt of written notice of the Secretary's final  
22 action. The Board shall, within [90] 60 days after receipt of the request, either review  
23 the record developed by the Secretary, or conduct a hearing. In conducting its review  
24 of the decision of the Secretary, the Board may receive and consider any additional  
25 evidence submitted by any party. Based upon its consideration of the record, and any  
26 additional evidence, the Board shall either sustain, reverse or modify the decision of  
27 the Secretary. If the action taken by the Board results in the rejection of an  
28 application for a permit or renewal of a permit or the revocation or limitation of a  
29 permit, the Board shall submit in writing to that person the reasons for the action  
30 taken by the Board.

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

36 (4) Any person whose application for a permit or renewal of a permit has  
37 not been acted upon by the Secretary within [90] 60 days after the application was  
38 submitted, may request the Board for a hearing by filing a written request for such a  
39 hearing with the Board.

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

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

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

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

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

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

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

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

29    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 1999.