

HOUSE BILL 597

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HB 736/99 - JUD

2000 Regular Session
0lr1495

By: **Delegates Amedori, O'Donnell, Getty, Owings, Elliott, Stocksdale, Guns, Cadden, Baldwin, DeCarlo, Donoghue, Eckardt, Edwards, Glassman, Greenip, Kach, Mitchell, Klausmeier, J. Kelly, Bartlett, Boschert, Boutin, Brinkley, Cryor, K. Kelly, Klima, Leopold, McKee, Ports, Redmer, Rzepkowski, Shank, Snodgrass, Stull, Walkup, Weir, and Wood**

Introduced and read first time: February 9, 2000
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Self-Defense Act of 2000**

3 FOR the purpose of altering the requirements and procedures for application for, and
4 issuance of, a handgun permit; authorizing the holder of a permit to carry a
5 handgun for self-defense; eliminating the requirement that the holder have a
6 good and substantial reason to carry a handgun; specifying that the holder may
7 conceal the handgun in a certain manner; altering and eliminating certain fees;
8 requiring certain information on a certain application form; establishing
9 procedures for renewal or replacement of a permit; eliminating modified and
10 limited handgun permits; requiring permanent expiration of a permit that has
11 not been renewed within a certain time after its date of expiration; authorizing
12 the Secretary of the State Police to suspend processing an application if the
13 applicant is arrested for a crime that would render the applicant ineligible to
14 receive a permit; enumerating places where a permit holder may not wear, carry,
15 or transport a handgun; authorizing the holder of a similar permit from another
16 state to wear, carry, or transport a handgun in this State; requiring the
17 Secretary to maintain an accessible listing of permit holders accessible to law
18 enforcement agencies only; providing certain immunity to the Secretary and
19 employees from liability for unlawful acts committed by the permit holder with
20 a handgun under certain circumstances; establishing that possession of a permit
21 constitutes sufficient evidence of a background check under certain federal law;
22 establishing certain penalties; prohibiting the Secretary from regulating or
23 restricting the issuance of a permit except as provided in this Act; applying this
24 Act to the reissuance of a permit issued before the effective date of this Act;
25 authorizing the Secretary to reissue a permit to a certain individual who
26 received a permit prior to the effective date of this Act under certain
27 circumstances; repealing certain obsolete provisions concerning handgun
28 permits; making stylistic changes; providing for the termination of this Act; and
29 generally relating to the issuance of a permit to wear, carry, or transport a
30 handgun.

31 BY repealing and reenacting, with amendments,

1 Article 27 - Crimes and Punishments
2 Section 36E
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 1999 Supplement)

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

7 **Article 27 - Crimes and Punishments**

8 36E.

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

12 (1) IS A RESIDENT OF THE UNITED STATES;

13 [(1)] (2) Is [eighteen] 21 years of age or older; [and]

14 [(2)] (3) Has not been convicted of a felony or of a misdemeanor for
15 which a sentence of imprisonment for more than one year has been imposed or, if
16 convicted of such a crime, has been pardoned or has been granted relief pursuant to
17 Title 18, § 925(c) of the United States Code; [and]

18 [(3)] (4) Has not been committed to any detention, training, or
19 correctional institution for juveniles for longer than one year after an adjudication of
20 delinquency by a juvenile court; provided, however, that a person shall not be
21 disqualified by virtue of this paragraph [(3)] if, at the time of the application, more
22 than ten years has elapsed since his release from such institution; [and]

23 [(4)] (5) Has not been convicted of any offense involving the possession,
24 use, or distribution of controlled dangerous substances[;] and is not presently an
25 addict, an habitual user of any controlled dangerous substance not under legitimate
26 medical direction, or an alcoholic; [and]

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

30 (6) HAS NOT BEEN CONVICTED OF RAPE, SPOUSAL ASSAULT, ABUSE OF
31 A CHILD UNDER § 35C OF THIS ARTICLE, OR A SEXUAL OFFENSE IN THE FIRST
32 THROUGH FOURTH DEGREE;

33 (7) HAS NOT BEEN COMMITTED FOR MORE THAN 72 HOURS TO A
34 MENTAL HEALTH FACILITY OR VETERANS' ADMINISTRATION HOSPITAL IN THIS OR
35 ANY OTHER STATE FOR THE TREATMENT OF A MENTAL DISORDER;

1 (8) HAS DEMONSTRATED COMPETENCE WITH A HANDGUN BY ANY ONE
2 OF THE FOLLOWING:

3 (I) SUCCESSFUL COMPLETION OF A COURSE IN FIREARMS AND
4 HUNTER SAFETY APPROVED BY THE DEPARTMENT OF STATE POLICE, OR A SIMILAR
5 COURSE APPROVED BY A SIMILAR AGENCY IN ANOTHER STATE;

6 (II) SUCCESSFUL COMPLETION OF A NATIONAL RIFLE
7 ASSOCIATION FIREARMS SAFETY OR TRAINING COURSE CONDUCTED BY A NATIONAL
8 RIFLE ASSOCIATION CERTIFIED INSTRUCTOR;

9 (III) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY OR
10 TRAINING COURSE OR CLASS OFFERED TO THE GENERAL PUBLIC BY A LAW
11 ENFORCEMENT AGENCY, JUNIOR COLLEGE, PRIVATE OR PUBLIC INSTITUTION OR
12 ORGANIZATION, OR FIREARMS TRAINING SCHOOL, TAUGHT BY INSTRUCTORS
13 CERTIFIED OR AUTHORIZED BY THE:

14 1. NATIONAL RIFLE ASSOCIATION;

15 2. POLICE TRAINING COMMISSION; OR

16 3. DEPARTMENT OF NATURAL RESOURCES;

17 (IV) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT
18 FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED FOR SECURITY
19 GUARDS, PRIVATE DETECTIVES, SPECIAL POLICE, OR MEMBERS OF A DIVISION OR
20 SUBDIVISION OF A LAW ENFORCEMENT OR SECURITY AGENCY AND APPROVED BY
21 THE POLICE TRAINING COMMISSION;

22 (V) DEMONSTRATION OF EXPERIENCE WITH A HANDGUN
23 THROUGH PARTICIPATION IN AN ORGANIZED SHOOTING COMPETITION OR BY
24 SHOWING PROOF OF MILITARY SERVICE; OR

25 (VI) PRESENTATION OF EVIDENCE THAT THE INDIVIDUAL IS
26 LICENSED OR HAS BEEN LICENSED TO CARRY A HANDGUN IN THIS STATE OR ANY
27 OTHER STATE, UNLESS THE LICENSE HAS BEEN REVOKED FOR CAUSE;

28 (9) HAS NO PHYSICAL INFIRMITY WHICH PREVENTS THE SAFE
29 HANDLING OF A HANDGUN; AND

30 [(6)] (10) [Has, based on the results of investigation, good and
31 substantial reason] HAS THE DESIRE to wear, carry, or transport a [handgun,
32 provided however, that the phrase "good and substantial reason" as used herein shall
33 be deemed to include a finding that such permit is necessary as a reasonable
34 precaution against apprehended danger] HANDGUN FOR LAWFUL SELF-DEFENSE.

35 (b) (1) Except as provided in paragraph (2) of this subsection, the Secretary
36 may charge a nonrefundable fee not to exceed [\$75] \$80 for an initial application,
37 [\$50] \$25 for a renewal or subsequent application, and [\$10] \$15 for a duplicate [or

1 modified] permit payable at the time an application is filed. The fee may be paid with
2 a personal check, business check, certified check, or money order.

3 (2) The Secretary may not charge any of the following persons a fee for
4 an initial application, for a renewal or subsequent application, or for a duplicate [or
5 modified] permit for that handgun:

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

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

10 (3) Notwithstanding the above fees, the applicant shall submit, IN
11 PERSON, to the Department of State Police AT A STATE POLICE HEADQUARTERS,
12 BARRACKS, OR DETACHMENT AN APPLICATION WHICH REQUIRES ONLY:

13 (i) THE NAME, ADDRESS, AND DATE OF BIRTH OF THE APPLICANT;

14 (II) A complete set of the applicant's legible fingerprints taken on
15 standard fingerprint cards; [and

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

17 (III) A SIGNED STATEMENT THAT THE APPLICANT MEETS THE
18 CRITERIA AND CONDITIONS LISTED IN SUBSECTION (A) OF THIS SECTION;

19 (IV) A SIGNED STATEMENT THAT THE APPLICANT HAS RECEIVED A
20 COPY OF THIS SECTION AND HAS READ AND UNDERSTANDS IT;

21 (V) A FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT
22 WHICH MEASURES ONE AND ONE-HALF INCH WIDE AND ONE AND ONE-HALF INCH
23 HIGH AND WHICH SHOWS THE APPLICANT'S HEAD AND HAIR; AND

24 (VI) DOCUMENTATION OF COMPETENCY AS REQUIRED BY
25 SUBSECTION (A) OF THIS SECTION, WHICH MAY BE:

26 1. A PHOTO COPY OF A CERTIFICATE OF COMPLETION OF A
27 COURSE OR CLASS;

28 2. AN AFFIDAVIT FROM AN INSTRUCTOR, SCHOOL,
29 ORGANIZATION, OR ASSOCIATION THAT SPONSORED A COURSE OR CLASS;

30 3. A COPY OF A DOCUMENT THAT REPORTS THE APPLICANT'S
31 PARTICIPATION IN A SHOOTING COMPETITION; OR

32 4. ANY OTHER DOCUMENT THAT IS ACCEPTABLE TO THE
33 SECRETARY.

34 (4) THE APPLICATION FORM SHALL INCLUDE A CONSPICUOUS WARNING
35 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT KNOWINGLY MAKING

1 A FALSE STATEMENT SUBJECTS THE APPLICANT TO PROSECUTION UNDER
2 SUBSECTION (D) OF THIS SECTION.

3 (5) (I) WITHIN 90 DAYS OF RECEIPT OF ALL THE ITEMS LISTED IN
4 PARAGRAPH (3) OF THIS SUBSECTION, THE SECRETARY SHALL:

5 1. APPROVE THE APPLICATION AND ISSUE THE PERMIT; OR

6 2. REJECT THE APPLICATION BASED SOLELY ON THE
7 GROUNDS THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA LISTED IN
8 THIS SUBSECTION AND SUBSECTION (A) OF THIS SECTION.

9 (II) THE SECRETARY SHALL NOTIFY THE APPLICANT OF THE
10 REJECTION IN WRITING, STATING THE GROUNDS FOR REJECTION AND INFORMING
11 THE APPLICANT OF THE RIGHT TO APPEAL UNDER SUBSECTION (I) OR SUBSECTION
12 (J) OF THIS SECTION.

13 (6) A PERMIT SHALL INCLUDE A COLOR PHOTOGRAPH OF THE HOLDER
14 OF THE PERMIT.

15 (c) (1) A permit issued under this section shall expire [on the last day of the
16 holder's birth month following two] 4 years after its DATE OF issuance. [The permit
17 may be renewed, upon application and payment of the renewal fee, for successive
18 periods of three years each, if the applicant, at the time of application, possesses the
19 qualifications set forth in this section for the issuance of a permit.]

20 (2) NO LESS THAN 90 DAYS BEFORE EXPIRATION OF A PERMIT, THE
21 SECRETARY SHALL MAIL WRITTEN NOTICE OF THE EXPIRATION AND A RENEWAL
22 FORM TO THE HOLDER OF A PERMIT.

23 (3) THE APPLICANT MAY RENEW THE PERMIT FOR A PERIOD OF 4 YEARS
24 ON OR BEFORE THE EXPIRATION DATE BY SUBMITTING TO THE SECRETARY:

25 (I) THE RENEWAL FORM;

26 (II) A NOTARIZED AFFIDAVIT STATING THAT THE APPLICANT IS
27 STILL ELIGIBLE TO WEAR, CARRY, OR TRANSPORT A HANDGUN UNDER SUBSECTION
28 (A) OF THIS SECTION;

29 (III) A COLOR PHOTOGRAPH AS SPECIFIED IN SUBSECTION (B) OF
30 THIS SECTION; AND

31 (IV) THE APPROPRIATE RENEWAL FEE, EXCEPT THAT AN
32 APPLICANT WHO FAILS TO FILE FOR A RENEWAL BEFORE THE EXPIRATION DATE
33 SHALL SUBMIT ALSO A LATE FEE OF \$15.

34 (4) A PERMIT MAY NOT BE RENEWED IF 180 DAYS OR MORE HAVE
35 PASSED SINCE ITS EXPIRATION, AND IT SHALL BE CONSIDERED PERMANENTLY
36 EXPIRED. AN APPLICANT WHOSE PERMIT IS CONSIDERED PERMANENTLY EXPIRED
37 MAY APPLY FOR A NEW PERMIT UNDER SUBSECTION (B) OF THIS SECTION.

1 (5) WITHIN 30 DAYS AFTER A CHANGE OF PERMANENT ADDRESS OR
2 LOSS OR DESTRUCTION OF THE PERMIT, THE HOLDER OF THE PERMIT SHALL NOTIFY
3 THE SECRETARY OF THE CHANGE OF ADDRESS OR LOSS OR DESTRUCTION OF THE
4 PERMIT. IF THE HOLDER FAILS TO NOTIFY THE SECRETARY, THE HOLDER SHALL BE
5 LIABLE FOR A PENALTY NOT EXCEEDING \$25. IF A PERMIT IS LOST OR DESTROYED,
6 THE PERMIT SHALL BE CONSIDERED INVALID. THE HOLDER OF THE PERMIT MAY
7 APPLY FOR A DUPLICATE BY SUBMITTING TO THE SECRETARY:

8 (I) THE APPROPRIATE FEE;

9 (II) A NOTARIZED STATEMENT THAT THE PERMIT WAS LOST OR
10 DESTROYED; AND

11 (III) A COLOR PHOTOGRAPH AS SPECIFIED IN SUBSECTION (B) OF
12 THIS SECTION.

13 (6) THE SECRETARY MAY SUSPEND PROCESSING AN APPLICATION, OR
14 THE RENEWAL, OR REPLACEMENT OF A PERMIT IF THE APPLICANT IS ARRESTED FOR
15 A CRIME THAT WOULD DISQUALIFY THE APPLICANT FROM OBTAINING A PERMIT
16 UNDER THIS SECTION. THE SUSPENSION MAY REMAIN IN EFFECT UNTIL FINAL
17 DISPOSITION OF THE CASE.

18 [(d) The Secretary may, in any permit issued under this section, limit the
19 geographic area, circumstances, or times during the day, week, month, or year in or
20 during which the permit is effective. The Secretary may reduce the cost of the permit
21 accordingly, if the permit is granted for one day only and at one place only.]

22 (D) AN APPLICANT WHO KNOWINGLY SUBMITS FALSE INFORMATION TO THE
23 SECRETARY IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
24 IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR
25 BOTH.

26 (E) (1) A PERMIT ISSUED UNDER THIS SECTION DOES NOT AUTHORIZE THE
27 HOLDER OF A PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN INTO:

28 (I) A POLICE OR SHERIFF STATION;

29 (II) A DETENTION FACILITY, PRISON, OR JAIL;

30 (III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
31 A COURTHOUSE, COURTROOM, OR ANY OTHER LOCATION WHERE A JUDICIAL
32 PROCEEDING TAKES PLACE;

33 (IV) A POLLING PLACE DURING A BONA FIDE ELECTION;

34 (V) A MEETING OF A LEGISLATURE OR COMMITTEE OF A
35 LEGISLATURE;

36 (VI) A MEETING OF A GOVERNING BODY OF A COUNTY, PUBLIC
37 SCHOOL DISTRICT, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT;

1 (VII) THE PORTION OF AN ESTABLISHMENT LICENSED TO DISPENSE
2 ALCOHOLIC BEVERAGES IN WHICH THE PRIMARY PURPOSE IS THE CONSUMPTION OF
3 ALCOHOLIC BEVERAGES; OR

4 (VIII) ANY PLACE WHERE THE WEARING, CARRYING, OR
5 TRANSPORTING OF A HANDGUN IS FORBIDDEN BY FEDERAL LAW.

6 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE A
7 JUDGE FROM CARRYING A HANDGUN INTO THE COURTROOM OR DETERMINING WHO
8 MAY CARRY A HANDGUN INTO THE COURTROOM.

9 [(e)] (F) (1) Any person to whom a permit shall be issued or renewed shall
10 carry such permit AND A VALID DRIVER'S LICENSE OR OTHER FORM OF
11 IDENTIFICATION in [his] THE PERSON'S possession every time [he carries,] THE
12 PERSON wears, CARRIES, or transports a handgun. A permit issued pursuant to this
13 section shall be valid for any handgun legally in the possession of the person to whom
14 the permit was issued.

15 (2) THE HOLDER OF A PERMIT MAY WEAR, CARRY, OR TRANSPORT A
16 HANDGUN ON OR ABOUT THE HOLDER'S PERSON, IN A PURSE OR PORTFOLIO, OR IN A
17 PLACE READILY ACCESSIBLE BUT HIDDEN FROM SIGHT.

18 (3) THE HOLDER OF A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A
19 HANDGUN ISSUED BY ANOTHER STATE FOR THE SAME PURPOSE AND UNDER
20 CONDITIONS SIMILAR TO THIS SECTION MAY WEAR, CARRY, AND TRANSPORT A
21 HANDGUN IN THIS STATE. THE HOLDER MUST BE IN POSSESSION OF THE PERMIT
22 AND A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION WHILE
23 WEARING, CARRYING, OR TRANSPORTING A HANDGUN IN THIS STATE.

24 [(f)] (G) The Secretary may revoke any permit issued or renewed at any time
25 upon a finding that (i) the holder no longer satisfies the qualifications set forth in
26 subsection (a), or (ii) the holder of the permit has violated subsection [(e) hereof] (F)(1)
27 OF THIS SECTION. A person holding a permit which is revoked by the Secretary shall
28 return the permit to the Secretary within ten days after receipt of notice of the
29 revocation. Any person who fails to return a revoked permit in violation of this section
30 shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than
31 \$100 or more than \$1,000, or be imprisoned for not more than one year, or both.

32 (H) THE SECRETARY AND EMPLOYEES INVOLVED IN THE PROCESSING OF AN
33 APPLICATION, RENEWAL, OR REPLACEMENT OF A PERMIT MAY NOT BE HELD
34 CIVILLY OR CRIMINALLY LIABLE FOR UNLAWFUL ACTS INVOLVING THE USE OF A
35 HANDGUN COMMITTED BY THE HOLDER OF A PERMIT UNLESS THE SECRETARY OR
36 EMPLOYEE HAD ACTUAL KNOWLEDGE AT THE TIME OF ISSUE, REISSUE, OR
37 REPLACEMENT OF A PERMIT THAT THE APPLICANT WAS DISQUALIFIED BY LAW
38 FROM WEARING, CARRYING, OR TRANSPORTING A HANDGUN.

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

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

3 (3) Pursuant to the informal review, the Secretary shall [sustain,
4 reverse, or modify] SUSTAIN OR REVERSE the initial action taken and notify the
5 applicant of the decision in writing within 30 days after receipt of the request for
6 informal review.

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

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

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

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

42 (4) Any person whose application for a permit or renewal of a permit has
43 not been acted upon by the Secretary within 90 days after the application was

1 submitted, may request the Board for a hearing by filing a written request for such a
2 hearing with the Board.

3 (i) Notwithstanding any other provision of this subheading, the following
4 persons may, to the extent authorized prior to March 27, 1972, and subject to the
5 conditions specified in this subsection and subsection (j) hereof, continue to wear,
6 carry, or transport a handgun without a permit:

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

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

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

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

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

28 (k) As used in this section, Secretary means the Secretary of the State Police,
29 acting directly or through duly authorized officers and agents of the Secretary.

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

35 (M) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE REGISTRATION,
36 DOCUMENTATION, OR PROVISION OF SERIAL NUMBERS OF ANY HANDGUN OWNED
37 BY THE HOLDER OF A PERMIT.

38 (N) THE SECRETARY SHALL MAINTAIN AN AUTOMATED LISTING OF HOLDERS
39 OF PERMITS THAT SHALL BE AVAILABLE ON REQUEST AT ALL TIMES TO ALL LAW
40 ENFORCEMENT AGENCIES ONLY.

1 (O) POSSESSION OF A VALID PERMIT ISSUED UNDER THIS SECTION SHALL
2 CONSTITUTE SUFFICIENT EVIDENCE OF A BACKGROUND CHECK REQUIRED UNDER
3 18 U.S.C. § 922(S).

4 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
5 finds as a matter of public policy and fact that it is necessary to provide statewide
6 uniform standards for issuing permits to carry handguns for lawful self-defense and
7 self-protection, and further finds it necessary to occupy the field of regulation of the
8 wearing, carrying, or transporting of handguns to ensure that no honest, law-abiding
9 individual who qualifies under the provisions of this Act is subjectively or arbitrarily
10 denied the individual's rights.

11 The General Assembly does not delegate to the Secretary of the State Police any
12 authority to regulate or restrict the issuing of permits except as provided for in this
13 Act. Subjective or arbitrary actions or rules which encumber the issuing process by
14 placing burdens on the applicant beyond those requirements detailed in this Act, or
15 which create restrictions beyond those requirements detailed in this Act are
16 considered to be in conflict with the intent of this Act, and are hereby prohibited. This
17 Act shall be liberally construed to carry out the constitutional right to bear arms for
18 self-defense and self-protection.

19 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
20 shall apply to the reissue or replacement of any permit to wear, carry, or transport a
21 handgun that was originally issued under Article 27, § 36E of the Code before the
22 effective date of this Act.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
24 provision of Article 27, § 36E(a)(2) of the Code, the Secretary of the State Police shall
25 reissue to or replace a permit for an individual under the age of 21 years but at least
26 18 years old who was issued a permit under Article 27, § 36E of the Code before the
27 effective date of this Act, who can meet all the criteria and conditions of this Act
28 except those in Article 27, § 36E(a)(2) of the Code. It shall remain effective for a period
29 of 3 years and at the end of September 30, 2003, with no further action required by
30 the General Assembly, this Act shall be abrogated and of no further force and effect.

31 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.