

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 209

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Sale” and substitute “Purchase by Convicted Felons”; in line 3, strike “restricting” and substitute “prohibiting”; in the same line, strike “sale” and substitute “purchase”; in line 4, after “persons” insert “convicted of a felony under certain circumstances”; strike beginning with “authorizing” in line 4 down through “armor” in line 6 and substitute “authorizing a certain person to file a certain petition with the Secretary of State Police for a certain exemption from the prohibition against the possession, use, or purchase of bulletproof body armor under certain circumstances; authorizing the Secretary to grant a certain exemption or impose certain reasonable conditions on the possession, use, or purchase of bulletproof body armor under certain circumstances; requiring certain persons to maintain on their person certain permission to possess, use, and purchase bulletproof body armor; authorizing the Secretary to revoke a certain exemption; authorizing a certain petitioner to request a certain review of a decision of the Secretary under certain circumstances; requiring the Secretary to conduct a certain review and provide certain notice of a certain decision under certain circumstances”; in line 9, strike “repealing and reenacting, with amendments,” and substitute “adding to”; and in line 11, strike “27A” and substitute “27B”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 17 on page 1 through line 15 on page 4, inclusive, and substitute:

“27B.

(A) IN THIS SECTION, “SECRETARY” MEANS THE SECRETARY OF STATE POLICE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON WHO WAS PREVIOUSLY CONVICTED OF A FELONY MAY NOT POSSESS, USE, OR

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PURCHASE BULLETPROOF BODY ARMOR AS DEFINED IN § 27A OF THIS SUBHEADING.

(C) A PERSON WHO IS PROHIBITED FROM THE POSSESSION, USE, OR PURCHASE OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (B) OF THIS SECTION WHOSE EMPLOYMENT, LIVELIHOOD, OR SAFETY IS DEPENDENT ON THE ABILITY TO POSSESS, USE, OR PURCHASE BULLETPROOF BODY ARMOR MAY FILE A PETITION WITH THE SECRETARY FOR AN EXEMPTION FROM THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION.

(D) SUBJECT TO SUBSECTION (E) OF THIS SECTION, ON RECEIPT OF A PETITION FILED UNDER SUBSECTION (C) OF THIS SECTION, THE SECRETARY MAY GRANT A FULL EXEMPTION FROM THE PROHIBITION UNDER SUBSECTION (B) OF THIS SECTION OR IMPOSE REASONABLE CONDITIONS ON THE POSSESSION, USE, OR PURCHASE OF BULLETPROOF BODY ARMOR IF THE SECRETARY DETERMINES THAT THE PETITIONER:

(1) IS LIKELY TO USE BODY ARMOR IN A SAFE AND LAWFUL MANNER; AND

(2) HAS A REASONABLE NEED FOR THE PROTECTION OF BULLETPROOF BODY ARMOR UNDER THE CIRCUMSTANCES.

(E) IN MAKING A DETERMINATION TO GRANT A FULL OR CONDITIONED EXEMPTION FROM THE PROHIBITION AGAINST THE POSSESSION, USE, OR PURCHASE OF BULLETPROOF BODY ARMOR UNDER SUBSECTION (D) OF THIS SECTION, THE SECRETARY SHALL EXAMINE:

(1) THE EMPLOYMENT OF THE PETITIONER;

(2) THE INTERESTS OF JUSTICE;

(3) ANY RELEVANT EVIDENCE; AND

(4) THE TOTALITY OF THE CIRCUMSTANCES.

(F) IF THE SECRETARY GRANTS A FULL OR CONDITIONED EXEMPTION UNDER SUBSECTION (D) OF THIS SECTION, THE PETITIONER SHALL, WHILE POSSESSING, WEARING, OR PURCHASING BULLETPROOF BODY ARMOR, MAINTAIN

ON THE PERSON A CERTIFIED COPY OF THE SECRETARY'S PERMISSION TO POSSESS, USE, OR PURCHASE BULLETPROOF BODY ARMOR.

(G) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(H) THE SECRETARY MAY REVOKE A GRANTED FULL OR CONDITIONED EXEMPTION ON A FINDING THAT:

(1) THE PETITIONER NO LONGER MEETS THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION; OR

(2) THE REASONABLE CONDITIONS ESTABLISHED BY THE SECRETARY UNDER SUBSECTION (D) OF THIS SECTION HAVE BEEN VIOLATED OR TERMINATED.

(I) (1) IF A PETITION FOR EXEMPTION UNDER SUBSECTION (C) OF THIS SECTION IS DENIED OR REVOKED BY THE SECRETARY, THE PETITIONER MAY REQUEST IN WRITING, WITHIN 10 DAYS AFTER RECEIVING NOTICE OF THE DENIAL OR REVOCATION BY THE SECRETARY, AN INFORMAL REVIEW OF THE DENIAL OR REVOCATION TO BE CONDUCTED BY THE SECRETARY.

(2) IF A PETITIONER REQUESTS AN INFORMAL REVIEW UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL CONDUCT AN INFORMAL REVIEW THAT MAY INCLUDE A PERSONAL INTERVIEW OF THE PETITIONER.

(3) AN INFORMAL REVIEW UNDER THIS SUBSECTION IS NOT SUBJECT TO THE CONTESTED CASE REQUIREMENTS OF TITLE 10 OF THE STATE GOVERNMENT ARTICLE.

(4) AFTER AN INFORMAL REVIEW BY THE SECRETARY UNDER THIS SUBSECTION, THE SECRETARY SHALL SUSTAIN, REVERSE, OR MODIFY THE INITIAL

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DENIAL OR REVOCATION AND EXPLAIN THE REASONS IN WRITING TO THE PETITIONER WITHIN 30 DAYS AFTER THE RECEIPT OF THE REQUEST FOR THE INFORMAL REVIEW.

(J) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.”.