
By: **Delegates Amedori, O'Donnell, Getty, Cadden, Edwards, Bartlett, Bozman, Brinkley, DeCarlo, Donoghue, Elliott, Glassman, Greenip, K. Kelly, Klausmeier, Klima, Leopold, McKee, Mitchell, Owings, Ports, Rzepkowski, Shank, Snodgrass, Stocksdale, Stull, Weir, Riley, Boutin, Parrott, and Kach**

Introduced and read first time: February 9, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Self-Defense Act of 2001**

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 2000 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) If the person is less than 30 years of age and who has not been:

19 (i) Committed to any detention, training, or correctional
20 institution for juveniles for longer than one year after an adjudication of delinquency
21 by a juvenile court; or

22 (ii) Adjudicated delinquent by a juvenile court for:

23 1. A crime of violence;

24 2. Any violation classified as a felony in this State; or

25 3. Any violation classified as a misdemeanor in this State
26 that carries a statutory penalty of more than 2 years; and

27 [(4)] (5) Has not been convicted of any offense involving the possession,
28 use, or distribution of controlled dangerous substances[;] and is not presently an
29 addict, an habitual user of any controlled dangerous substance not under legitimate
30 medical direction, or an alcoholic; [and]

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

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

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

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

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

12 (II) SUCCESSFUL COMPLETION OF A NATIONAL RIFLE
13 ASSOCIATION FIREARMS SAFETY OR TRAINING COURSE CONDUCTED BY A NATIONAL
14 RIFLE ASSOCIATION CERTIFIED INSTRUCTOR;

15 (III) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY OR
16 TRAINING COURSE OR CLASS OFFERED TO THE GENERAL PUBLIC BY A LAW
17 ENFORCEMENT AGENCY, JUNIOR COLLEGE, PRIVATE OR PUBLIC INSTITUTION OR
18 ORGANIZATION, OR FIREARMS TRAINING SCHOOL, TAUGHT BY INSTRUCTORS
19 CERTIFIED OR AUTHORIZED BY THE:

20 1. NATIONAL RIFLE ASSOCIATION;

21 2. POLICE TRAINING COMMISSION; OR

22 3. DEPARTMENT OF NATURAL RESOURCES;

23 (IV) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT
24 FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED FOR SECURITY
25 GUARDS, PRIVATE DETECTIVES, SPECIAL POLICE, OR MEMBERS OF A DIVISION OR
26 SUBDIVISION OF A LAW ENFORCEMENT OR SECURITY AGENCY AND APPROVED BY
27 THE POLICE TRAINING COMMISSION;

28 (V) DEMONSTRATION OF EXPERIENCE WITH A HANDGUN
29 THROUGH PARTICIPATION IN AN ORGANIZED SHOOTING COMPETITION OR BY
30 SHOWING PROOF OF MILITARY SERVICE; OR

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

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

36 [(6)] (10) [Has, based on the results of investigation, good and
37 substantial reason] HAS THE DESIRE to wear, carry, or transport a [handgun,

1 provided however, that the phrase "good and substantial reason" as used herein shall
2 be deemed to include a finding that such permit is necessary as a reasonable
3 precaution against apprehended danger] HANDGUN FOR LAWFUL SELF-DEFENSE.

4 (b) (1) Except as provided in paragraph (2) of this subsection, the Secretary
5 may charge a nonrefundable fee not to exceed [75] \$80 for an initial application,
6 [50] \$25 for a renewal or subsequent application, and [10] \$15 for a duplicate [or
7 modified] permit payable at the time an application is filed. The fee may be paid with
8 a personal check, business check, certified check, or money order.

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

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

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

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

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

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

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

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

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

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

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

32 1. A PHOTO COPY OF A CERTIFICATE OF COMPLETION OF A
33 COURSE OR CLASS;

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

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

3 4. ANY OTHER DOCUMENT THAT IS ACCEPTABLE TO THE
4 SECRETARY.

5 (4) THE APPLICATION FORM SHALL INCLUDE A CONSPICUOUS WARNING
6 THAT THE APPLICATION IS EXECUTED UNDER OATH AND THAT KNOWINGLY MAKING
7 A FALSE STATEMENT SUBJECTS THE APPLICANT TO PROSECUTION UNDER
8 SUBSECTION (D) OF THIS SECTION.

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

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

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

15 (II) THE SECRETARY SHALL NOTIFY THE APPLICANT OF THE
16 REJECTION IN WRITING, STATING THE GROUNDS FOR REJECTION AND INFORMING
17 THE APPLICANT OF THE RIGHT TO APPEAL UNDER SUBSECTION (I) OR SUBSECTION
18 (J) OF THIS SECTION.

19 (6) A PERMIT SHALL INCLUDE A COLOR PHOTOGRAPH OF THE HOLDER
20 OF THE PERMIT.

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

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

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

31 (I) THE RENEWAL FORM;

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

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

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

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

8 (5) WITHIN 30 DAYS AFTER A CHANGE OF PERMANENT ADDRESS OR
9 LOSS OR DESTRUCTION OF THE PERMIT, THE HOLDER OF THE PERMIT SHALL NOTIFY
10 THE SECRETARY OF THE CHANGE OF ADDRESS OR LOSS OR DESTRUCTION OF THE
11 PERMIT. IF THE HOLDER FAILS TO NOTIFY THE SECRETARY, THE HOLDER SHALL BE
12 LIABLE FOR A PENALTY NOT EXCEEDING \$25. IF A PERMIT IS LOST OR DESTROYED,
13 THE PERMIT SHALL BE CONSIDERED INVALID. THE HOLDER OF THE PERMIT MAY
14 APPLY FOR A DUPLICATE BY SUBMITTING TO THE SECRETARY:

15 (I) THE APPROPRIATE FEE;

16 (II) A NOTARIZED STATEMENT THAT THE PERMIT WAS LOST OR
17 DESTROYED; AND

18 (III) A COLOR PHOTOGRAPH AS SPECIFIED IN SUBSECTION (B) OF
19 THIS SECTION.

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

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

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

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

35 (I) A POLICE OR SHERIFF STATION;

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

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

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

5 (V) A MEETING OF A LEGISLATURE OR COMMITTEE OF A
6 LEGISLATURE;

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

9 (VII) THE PORTION OF AN ESTABLISHMENT LICENSED TO DISPENSE
10 ALCOHOLIC BEVERAGES IN WHICH THE PRIMARY PURPOSE IS THE CONSUMPTION OF
11 ALCOHOLIC BEVERAGES; OR

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

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

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

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

26 (3) THE HOLDER OF A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A
27 HANDGUN ISSUED BY ANOTHER STATE FOR THE SAME PURPOSE AND UNDER
28 CONDITIONS SIMILAR TO THIS SECTION MAY WEAR, CARRY, AND TRANSPORT A
29 HANDGUN IN THIS STATE. THE HOLDER MUST BE IN POSSESSION OF THE PERMIT
30 AND A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION WHILE
31 WEARING, CARRYING, OR TRANSPORTING A HANDGUN IN THIS STATE.

32 [(f)] (G) The Secretary may revoke any permit issued or renewed at any time
33 upon a finding that (i) the holder no longer satisfies the qualifications set forth in
34 subsection (a), or (ii) the holder of the permit has violated subsection [(e) hereof] (F)(1)
35 OF THIS SECTION. A person holding a permit which is revoked by the Secretary shall
36 return the permit to the Secretary within ten days after receipt of notice of the
37 revocation. Any person who fails to return a revoked permit in violation of this section
38 shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than
39 \$100 or more than \$1,000, or be imprisoned for not more than one year, or both.

1 (H) THE SECRETARY AND EMPLOYEES INVOLVED IN THE PROCESSING OF AN
2 APPLICATION, RENEWAL, OR REPLACEMENT OF A PERMIT MAY NOT BE HELD
3 CIVILLY OR CRIMINALLY LIABLE FOR UNLAWFUL ACTS INVOLVING THE USE OF A
4 HANDGUN COMMITTED BY THE HOLDER OF A PERMIT UNLESS THE SECRETARY OR
5 EMPLOYEE HAD ACTUAL KNOWLEDGE AT THE TIME OF ISSUE, REISSUE, OR
6 REPLACEMENT OF A PERMIT THAT THE APPLICANT WAS DISQUALIFIED BY LAW
7 FROM WEARING, CARRYING, OR TRANSPORTING A HANDGUN.

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

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

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

18 (4) Institution of proceedings under this section is within the discretion
19 of 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
24 the advice and consent of the Senate of Maryland and shall hold office for terms of
25 three years. The members shall hold office for a term of one, two, and three years,
26 respectively, to be designated by the Governor. After the first appointment, the
27 Governor shall annually appoint a member of the Board in the place of the member
28 whose term shall expire. Members of the Board shall be eligible for reappointment. In
29 case of any vacancy in the Board, the Governor shall fill the vacancy by the
30 appointment of a member to serve until the expiration of the term for which the
31 person had been appointed. Each member of the Board shall receive per diem
32 compensation as provided in the budget for each day actually engaged in the
33 discharge of his official duties as well as reimbursement, in accordance with the
34 Standard State Travel Regulations, for all necessary and proper 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
37 to review the decision of the Secretary by filing a written request for review with the
38 Board within ten days after receipt of written notice of the Secretary's final action.
39 The Board shall, within 90 days after receipt of the request, either review the record
40 developed by the Secretary, or conduct a hearing. In conducting its review of the
41 decision of the Secretary, the Board may receive and consider any additional evidence
42 submitted by any party. Based upon its consideration of the record, and any
43 additional evidence, the Board shall either sustain[,] OR reverse [or modify] the

1 decision of the Secretary. If the action taken by the Board results in the rejection of an
2 application for a permit or renewal of a permit or the revocation [or limitation] of a
3 permit, the Board shall submit in writing to that person the reasons for the action
4 taken by the Board.

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

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

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

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

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

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

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

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

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

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

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

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

12 (O) POSSESSION OF A VALID PERMIT ISSUED UNDER THIS SECTION SHALL
13 CONSTITUTE SUFFICIENT EVIDENCE OF A BACKGROUND CHECK REQUIRED UNDER
14 18 U.S.C. § 922(S).

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

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

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

34 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the
35 provision of Article 27, § 36E(a)(2) of the Code, the Secretary of the State Police shall
36 reissue to or replace a permit for an individual under the age of 21 years but at least
37 18 years old who was issued a permit under Article 27, § 36E of the Code before the
38 effective date of this Act, who can meet all the criteria and conditions of this Act
39 except those in Article 27, § 36E(a)(2) of the Code. It shall remain effective for a period
40 of 3 years and, at the end of September 30, 2003, with no further action required by
41 the General Assembly, this Act shall be abrogated and of no further force and effect.

1 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2001.