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By: **Senators Collins and Currie**  
Introduced and read first time: February 2, 2001  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Permits - National Security Agency Protective Force**

3 FOR the purpose of requiring the Secretary of the State Police, on application, to  
4 issue a permit to carry a handgun to members of the National Security Agency  
5 Protective Force; and generally relating to the issuance of a permit to carry a  
6 handgun to members of the National Security Agency Protective Force.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 36E  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume and 2000 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 36E.

16 (a) A permit to carry a handgun shall be issued within a reasonable time by  
17 the Secretary of the State Police, upon application under oath therefor, to any person  
18 whom the Secretary finds:

- 19 (1) Is eighteen years of age or older; and
- 20 (2) Has not been convicted of a felony or of a misdemeanor for which a  
21 sentence of imprisonment for more than one year has been imposed or, if convicted of  
22 such a crime, has been pardoned or has been granted relief pursuant to Title 18, §  
23 925(c) of the United States Code; and
- 24 (3) If the person is less than 30 years of age and who has not been:
  - 25 (i) Committed to any detention, training, or correctional  
26 institution for juveniles for longer than one year after an adjudication of delinquency  
27 by a juvenile court; or

1 (ii) Adjudicated delinquent by a juvenile court for:  
2 1. A crime of violence;  
3 2. Any violation classified as a felony in this State; or  
4 3. Any violation classified as a misdemeanor in this State  
5 that carries a statutory penalty of more than 2 years; and

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

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

13 (6) Has, based on the results of investigation, good and substantial  
14 reason to wear, carry, or transport a handgun, provided however, that the phrase  
15 "good and substantial reason" as used herein shall be deemed to include a finding  
16 that such permit is necessary as a reasonable precaution against apprehended  
17 danger.

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

1 renewed, upon application and payment of the renewal fee, for successive periods of  
2 three years each, if the applicant, at the time of application, possesses the  
3 qualifications set forth in this section for the issuance of a permit.

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

8 (e) Any person to whom a permit shall be issued or renewed shall carry such  
9 permit in his possession every time he carries, wears, or transports a handgun. A  
10 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) The Secretary may revoke any permit issued or renewed at any time upon  
13 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) hereof. A  
15 person holding a permit which is revoked by the Secretary shall return the permit to  
16 the Secretary within ten days after receipt of notice of the revocation. Any person who  
17 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) (1) Any person whose application for a permit or renewal of a permit has  
21 been rejected or whose permit has been revoked or limited may request the Secretary  
22 to conduct an informal review by filing a written request within 10 days after receipt  
23 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) of this section.

32 (h) (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) Notwithstanding any other provision of this subheading, the following  
27 persons may, to the extent authorized prior to March 27, 1972, and subject to the  
28 conditions specified in this subsection and subsection (j) hereof, continue to wear,  
29 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) Each person referred to in subsection (i) hereof shall, within one year after  
2 March 27, 1972, make application for a permit as provided in this section. Such  
3 application shall include evidence satisfactory to the Secretary of the State Police that  
4 the applicant is trained and qualified in the use of handguns. The right to wear, carry,  
5 or transport a handgun provided for in subsection (i) hereof shall terminate at the  
6 expiration of one year after March 27, 1972, if no such application is made, or  
7 immediately upon notice to the applicant that his application for a permit has not  
8 been approved.

9 (K) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE  
10 SECRETARY, ON RECEIPT OF AN APPLICATION, SHALL ISSUE A HANDGUN PERMIT TO  
11 A MEMBER OF THE NATIONAL SECURITY AGENCY PROTECTIVE FORCE.

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

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

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