

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 534 (Senators Collins and Currie)  
Judicial Proceedings

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

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The bill requires that, on receipt of an application, the Secretary of the State Police must issue a handgun permit to a member of the National Security Agency Protective Force.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in revenues from handgun application and renewal fees. Expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A person may not wear, carry, or transport a handgun unless the person qualifies under an express exemption or has been issued a permit to carry a handgun. Current exemptions include law enforcement personnel of the United States, of Maryland, or of any county or city of Maryland.

To be issued a handgun permit by the Secretary of the State Police, an applicant: (1) must be 18 years of age or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) if the person is younger than 30 years of age, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of

violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; (4) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (5) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to himself or other law-abiding person; and (6) must have a good and substantial reason to wear, carry, or transport a handgun. "Good and substantial reason" includes a finding that the permit is necessary as a reasonable precaution against apprehended danger.

**Background:** According to an Advice of Counsel Letter from an Assistant Attorney General, National Security Agency Security Protective Force agents do not meet the definition of "law enforcement personnel" under current law exemptions. These agents, who are employed at the National Security Agency headquarters in Fort Meade, have exclusive jurisdiction only on federal compounds and are allowed to carry a weapon issued by their employer only while on duty. The advisory letter concluded that the powers conferred by federal law upon these agents are not the equivalent of the powers of law enforcement personnel under Maryland law. Thus, they must have valid permits to carry handguns while off duty in Maryland.

All handgun permit applicants must submit to and pay for a criminal history record check. The total maximum cost of criminal history record checks and fingerprinting is \$52, which includes State and national background checks.

**State Fiscal Effect:** The application fee for a handgun permit in Maryland is set at \$75. Permits must be renewed every three years. The renewal fee is set at \$50. This bill does not specifically exempt members of the National Security Agency Protective Force from other applicable standards or qualifications for permits. However, the Secretary of State Police is authorized to waive such fees. The National Security Agency Protective Force currently has 278 members active in Maryland.

While it is not known whether handgun permit fees for members of the National Security Agency Protective Force would be waived, it is assumed that all other qualifications for a permit would be met by members of this force. If application fees would be charged, and if permits for all members of the force were sought in fiscal 2002, general fund revenues would increase by \$20,850 in fiscal 2002, and by \$13,900 every three years thereafter from renewal fees beginning in fiscal 2005. If the fees are waived, such potential revenue would be forgone.

Processing these additional applications could be handled with the existing budgeted resources of the State Police.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader – March 8, 2001  
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