

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

Senate Bill 81 (Senator Stone)  
Judicial Proceedings

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**Handgun Permits - Retired Law Enforcement and Correctional Officers**

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This bill requires the Secretary of State Police, on application, to issue without investigation or further action a permit to carry a handgun to certain retired law enforcement officers and retired correctional officers within one year after retirement. The bill provides specified requirements for such applicants and provides for the terms and renewals of permits as well as conditions for the mandatory revocation of such permits.

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**Fiscal Summary**

**State Effect:** Minimal. Any additional handgun permits issued as a result of this bill would either be issued at no charge or with charge to an anticipated small number of additional persons. The State Police could handle the anticipated increase in handgun applications with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** To qualify for a handgun permit under the bill's provisions, a retired officer: (1) must have served for at least 20 years in a law enforcement or correctional unit or for at least 10 years if the retired officer retired on a medical disability other than one involving a psychiatric condition; (2) may not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than 1 year was imposed;

and (3) may not have spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate is issued within 30 days before the application date for the permit that certifies that the applicant is capable of possessing a handgun without undue danger to the applicant or to another.

A retired officer who has been issued a permit under these provisions must notify the Secretary of any criminal charges filed against the retired officer, or convictions, involving a felony or a misdemeanor for which the penalty may be imprisonment for more than 1 year, or treatment of more than 30 consecutive days in a medical institution for treatment of a mental disorder.

The bill provides that permits issued under these provisions are valid for four years after the application, and may be renewed every three years, thereafter. The Secretary is required to set the initial permit fee. Permit renewals are required to be handled without a fee.

The Secretary is required to revoke the permit of a retired officer who has been issued a permit and: (1) against whom criminal charges have been filed or who has been convicted of a felony or a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or (2) who has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician certifies that the retired officer is capable of possessing a handgun without undue danger to the retired officer or to another.

**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 permit to carry a handgun by the Secretary of 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 1 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 1 year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than 2 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.

The Secretary of State Police may charge, for a handgun permit, a nonrefundable fee not to exceed \$75 for an initial application, \$50 for a renewal or subsequent application, and \$10 for a duplicate or modified permit.

The following persons may not be charged a fee for an initial application, for a renewal or subsequent application, or a duplicate or modified permit for a handgun: (1) a State, county, or municipal public safety employee who is required to wear or carry a handgun as a condition of government employment; or (2) a retired law enforcement officer of the State or of a county or municipal corporation of the State. In addition, the Secretary of State Police has the authority to waive such permit fees.

**Background:** Issuing a handgun permit without a fee to retired officers is within the discretion of the Secretary of State Police. Under current practice the Secretary generally does not charge retired in-state law enforcement officers a handgun permit fee. Retired correctional officers are charged the appropriate application or renewal fee.

**State Fiscal Effect:** Initial handgun application fees are \$75, and renewal fees are \$50. It is assumed that handgun permits sought under the provisions of this bill would primarily be for personal benefit or use.

There are between 1,500 and 2,000 active law enforcement officers who have been issued personal handgun permits. There are 4,000-5,000 retired law enforcement officers who renew handgun permits annually. There are about 3,000 personal handgun permits currently issued to the State's 26,000 working correctional officers. Only 15 retired correctional officers are issued handgun permits annually.

To the extent that this bill would spur additional applications, general fund revenues would increase reflecting additional application and eventual renewal fee collections. If the number of applications from retired officers remains relatively small, the State Police could handle the bill's requirements with existing resources, and additional general fund revenues would not be significant.

It is noted that, if this bill were to give rise to significant numbers of additional applications from retired officers annually, the State Police could need some additional resources for its licensing division, which costs would be expected to be offset to some degree from additional revenues from permit fees for retired correctional officers. However, this is not likely since applicants for permits under these provisions would still have to submit to criminal history record checks. The total maximum cost of such checks and mandatory fingerprinting is \$52 which includes State and national background checks. This cost would be borne by applicants. Since there would be fewer than 10,000 applicants, State expenditures for background checks would not be affected by this bill.

## **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, 2002  
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