

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 243 (Senator Jacobs)
Judicial Proceedings

Handguns - Handgun Permit Review Board - Review of Additional Evidence

This bill requires, rather than allows, the Handgun Permit Review Board to receive and consider additional evidence submitted by a party in conducting a review of a decision by the Secretary of State Police relating to the issuance or renewal of a handgun permit.

Fiscal Summary

State Effect: None. The bill's requirements could be handled with the existing budgeted resources of the Handgun Permit Review Board and the Department of State Police.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Handgun Permit Review Board is a State government entity within the Department of Public Safety and Correctional Services. It was created by Chapter 13 of 1972.

Any person whose application for a handgun permit or renewal of a permit has been rejected or whose permit has been revoked or limited by the Secretary of State Police may ask the board to review the decision of the Secretary. The board can either sustain, reverse, or modify the Secretary's decision, and may conduct a hearing to establish the facts. The board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary.

The Governor appoints the board's five members from the general public, with advice and consent of the Maryland Senate. Members serve three-year terms.

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 in 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 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.

A handgun permit application costs \$75; every three years a \$50 renewal is required.

Background: Currently, 42 states permit citizens to carry concealed weapons with a permit under certain circumstances. Details of concealed weapons laws vary greatly among localities, but most approaches fall into two categories. One of these categories is a discretionary system called "may issue" licensing, where legal authorities grant licenses only to those citizens who can establish a compelling need for carrying a concealed handgun. The other system is a nondiscretionary one called "shall issue" licensing. Under this system, legal authorities must provide a license to any applicant who meets specific criteria. Twenty-nine states have enacted "shall issue" laws. Thirteen states have enacted "may issue" laws. Maryland's current law is a "may issue" law because law enforcement has the discretion to issue permits. Seven states prohibit the carrying of concealed weapons by private citizens: Illinois, Kansas, Missouri, Nebraska, New Mexico, Ohio, and Wisconsin. Vermont does not require a permit to carry a concealed weapon.

As of December 2002, there were 55,546 people in Maryland licensed to carry a handgun. In 2002, the State Police issued 4,072 initial permits and 2,309 renewals of permits. It currently takes a minimum of 60 to 90 days to receive the results of a national criminal history records check from the FBI.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services, Department of State Police, Department of Legislative Services

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