

Department of Legislative Services  
Maryland General Assembly  
2003 Session

FISCAL AND POLICY NOTE

House Bill 744  
Judiciary

(Delegate Anderson, *et al.*)

---

**Handguns - Sales by Law Enforcement Agencies to Officers**

---

This bill authorizes a law enforcement agency of a county or municipal corporation to allow a current or retired law enforcement officer to keep or acquire the handgun assigned to the officer if the officer reimburses the agency for the replacement value of the gun. When the handgun issued to the officer has been destroyed or is otherwise unavailable for purchase, the officer is allowed to purchase a similar handgun if the transaction is authorized by the agency.

---

**Fiscal Summary**

**State Effect:** Minimal. This bill should not have a significant fiscal or operational impact on any State law enforcement agency, including the Department of State Police.

**Local Effect:** Minimal. This bill should not have a significant fiscal or operational impact on any local law enforcement agency.

**Small Business Effect:** Minimal.

---

**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 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.

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.

---

### 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 11, 2003  
lc/cer

---

Analysis by: Guy G. Cherry

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

