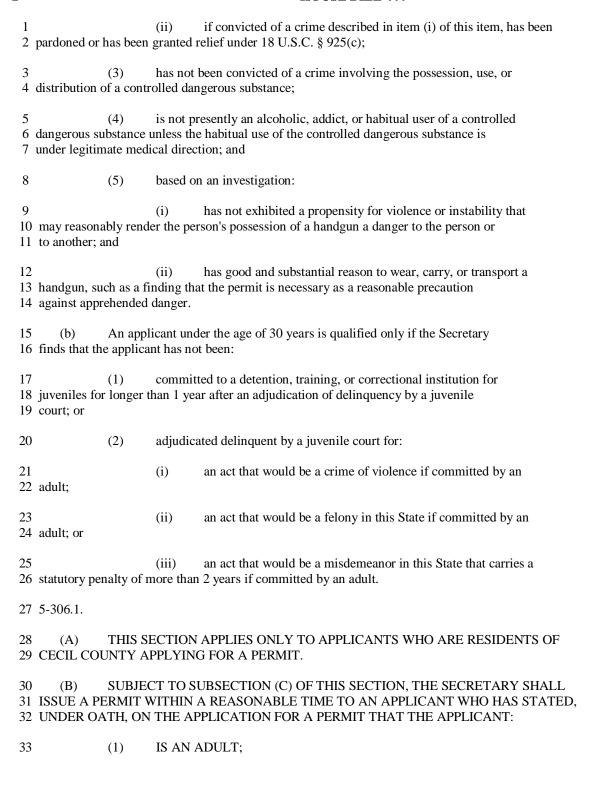
Unofficial Copy L2 2004 Regular Session 4lr1095

By: Delegates Smigiel, Boutin, Sossi, and Walkup Introduced and read first time: January 29, 2004 Assigned to: Judiciary A BILL ENTITLED 1 AN ACT concerning 2 **Cecil County - Issuance of Handgun Permits** 3 FOR the purpose of requiring the Secretary of State Police to issue a handgun permit within a reasonable time to a resident applicant of Cecil County who has stated, 4 5 under oath, on the application for a permit that the applicant meets certain 6 criteria; and generally relating to the Secretary's issuance of handgun permits to 7 resident applicants of Cecil County. BY repealing and reenacting, with amendments, 8 Article - Public Safety 9 10 Section 5-306 Annotated Code of Maryland 11 12 (2003 Volume) 13 BY adding to Article - Public Safety 14 15 Section 5-306.1 16 Annotated Code of Maryland 17 (2003 Volume) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 18 19 MARYLAND, That the Laws of Maryland read as follows: **Article - Public Safety** 20 21 5-306. 22 [Subject] EXCEPT AS PROVIDED IN § 5-306.1 OF THIS SUBTITLE AND (a) 23 SUBJECT to subsection (b) of this section, the Secretary shall issue a permit within a 24 reasonable time to a person who the Secretary finds: 25 (1) is an adult; 26 (i) has not been convicted of a felony or of a misdemeanor for which

27 a sentence of imprisonment for more than 1 year has been imposed; or

HOUSE BILL 444



- **HOUSE BILL 444** 1 HAS NOT BEEN CONVICTED OF A FELONY OR OF A (2) (I)2 MISDEMEANOR FOR WHICH A SENTENCE OF IMPRISONMENT FOR MORE THAN 1 3 YEAR HAS BEEN IMPOSED; OR IF CONVICTED OF A CRIME DESCRIBED IN ITEM (I) OF THIS (II)5 ITEM, HAS BEEN PARDONED OR HAS BEEN GRANTED RELIEF UNDER 18 U.S.C. § 925(C); HAS NOT BEEN CONVICTED OF A CRIME INVOLVING THE (3) 6 7 POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE; IS NOT PRESENTLY AN ALCOHOLIC, ADDICT, OR HABITUAL USER OF 9 A CONTROLLED DANGEROUS SUBSTANCE UNLESS THE HABITUAL USE OF THE 10 CONTROLLED DANGEROUS SUBSTANCE IS UNDER LEGITIMATE MEDICAL DIRECTION: 12 (5) BASED ON AN INVESTIGATION: 13 HAS NOT EXHIBITED A PROPENSITY FOR VIOLENCE OR 14 INSTABILITY THAT MAY REASONABLY RENDER THE PERSON'S POSSESSION OF A 15 HANDGUN A DANGER TO THE PERSON OR TO ANOTHER; AND HAS GOOD AND SUBSTANTIAL REASON TO WEAR, CARRY, OR 16 (II)17 TRANSPORT A HANDGUN, SUCH AS A FINDING THAT THE PERMIT IS NECESSARY AS A 18 REASONABLE PRECAUTION AGAINST APPREHENDED DANGER. 19 AN APPLICANT UNDER THE AGE OF 30 YEARS IS QUALIFIED ONLY IF THE 20 APPLICANT HAS STATED, UNDER OATH, ON THE APPLICATION FOR A PERMIT THAT 21 THE APPLICANT HAS NOT BEEN: 22 (1)COMMITTED TO A DETENTION, TRAINING, OR CORRECTIONAL 23 INSTITUTION FOR JUVENILES FOR LONGER THAN 1 YEAR AFTER AN ADJUDICATION 24 OF DELINQUENCY BY A JUVENILE COURT; OR 25 ADJUDICATED DELINQUENT BY A JUVENILE COURT FOR: (2) AN ACT THAT WOULD BE A CRIME OF VIOLENCE IF COMMITTED 26 (I) 27 BY AN ADULT; AN ACT THAT WOULD BE A FELONY IN THIS STATE IF 28 (II)29 COMMITTED BY AN ADULT; OR
- 30 AN ACT THAT WOULD BE A MISDEMEANOR IN THIS STATE THAT (III)
- 31 CARRIES A STATUTORY PENALTY OF MORE THAN 2 YEARS IF COMMITTED BY AN
- 32 ADULT.
- 33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 34 October 1, 2004.