

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 151 (Chairman, Judiciary Committee)
 (By Request – Departmental – State Police)

Judiciary

Handguns - Wearing, Carrying, or Transporting - Law Enforcement Exception

This departmental bill authorizes a U.S. law enforcement officer and a Maryland State or local law enforcement officer who is off duty to wear, carry, or transport a handgun that has been approved by the officer’s employing agency as long as the officer is in compliance with the rules and policies set forth by that law enforcement agency.

Fiscal Summary

State Effect: Minimal. This bill is estimated to decrease general fund revenue from handgun permit fees collected by the Department of State Police (DSP) by \$5,000 per year in FY 2005, 2006, and 2007, for a total \$15,000. This accounts for the lost revenue from 300 current permits issued to active law enforcement officers who would no longer have to pay renewal fees under the bill’s provisions, and which would have come due for renewal over the next three years (at 100 renewals per year). Expenditures would not be affected.

(in dollars)	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
GF Revenue	(\$5,000)	(\$5,000)	(\$5,000)	\$0	\$0
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$5,000)	(\$5,000)	(\$5,000)	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: DSP has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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 on-duty law enforcement personnel of the U.S., 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; two years after the initial permit, a \$50 renewal fee is due and every three years thereafter.

Current law authorizes a law enforcement officer on active assignment engaged in law enforcement (at the time and under the circumstances) to wear, carry, and transport an approved agency handgun without a handgun permit anywhere in the State. A Maryland handgun permit is required for an officer to wear, carry, or transport a handgun off duty.

Background: Generally, law enforcement officers are required to act upon crimes committed in their presence whether on duty or off duty. Most law enforcement agencies have rules and policies governing the conduct and actions of off-duty officers.

There are currently about 300 handgun permits issued to active law enforcement officers who carry an agency approved handgun while off duty.

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, 2004
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