

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 444
Judiciary

(Delegate Smigiel, *et al.*)

Cecil County - Issuance of Handgun Permits

This bill requires the Secretary of State Police to issue a handgun permit within a reasonable time to a Cecil County resident who has stated, under oath, on the application that the person meets the statutory requirements for the issuance of such a permit. Under current law, applicants for handgun permits are only issued a permit upon a finding by the Secretary that those requirements have been met.

Fiscal Summary

State Effect: The bill would not materially alter the operations of the State Police relating to handgun applications in Cecil County. Although this bill allows a resident of Cecil County to swear to competence and qualifications for a handgun permit, the State Police would not issue a handgun permit to anyone in the State, regardless of county of residence, without (at minimum) verifying via an investigation what an applicant has stated under oath. If more permits are issued as a result of this bill, general fund revenues would increase accordingly.

Local Effect: None.

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 U.S., 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Cecil County, Department of State Police, Department of Legislative Services

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Analysis by: Guy G. Cherry

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