

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 506
Judiciary

(Delegate Kelly, *et al.*)

**Public Safety - Wearing, Carrying, or Transporting Handgun Prohibition -
Exceptions for Federal Government Police Agencies**

This bill adds members of the National Security Agency Police, the Department of Defense Police, the U.S. Navy Police, the U.S. Naval Academy Police, and the Department of Army Police to the definition of a law enforcement official who is exempt while on duty from a prohibition against the wearing, carrying, or transporting of a handgun.

Fiscal Summary

State Effect: None. This bill would not affect State operations or finances.

Local Effect: None. This bill would not affect local government operations or finances.

Small Business Effect: None.

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. Members of the National Security Agency Police, the Department of Defense Police, the U.S. Navy Police, the U.S. Naval Academy Police, or the Department of Army Police are not specifically included under the exemption.

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.

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.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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