

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 587
Judiciary

(Prince George's County Delegation)

Prince George's County - Handguns - Sales by Law Enforcement Agencies to Officers PG 336-04

This bill authorizes a law enforcement agency of Prince George's County, or municipal corporation in the county, 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. If the handgun issued to the officer is unavailable for purchase, the officer may purchase a similar handgun if the transaction is authorized by the agency. An officer who keeps or acquires a handgun under these provisions may only relinquish ownership and possession of the gun to the law enforcement agency from which the gun was obtained.

Fiscal Summary

State Effect: None.

Local Effect: Minimal. This bill should not have a significant fiscal or operational impact on Prince George's County or any of its municipal corporations.

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.

The following persons may not be charged a fee for an initial application, 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 permit fees.

State Fiscal Effect: 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: HB 744 of 2003, a similar bill authorizing such practices statewide, received a hearing before the House Judiciary Committee and had no further action taken on it.

Cross File: None.

Information Source(s): Prince George's County, Department of State Police,
Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2004
lc/jr

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