

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 137

(Senator Mooney, *et al.*)

Judicial Proceedings

Self-Defense Act - Rule of Law

This bill makes a number of changes regarding the procedures for the issuance of handgun permits, including eliminating the requirement that an applicant have a “good and substantial reason” to wear, carry, or transport a handgun, and establishes requirements for an applicant to complete certain handgun safety certification and handgun skills training.

Fiscal Summary

State Effect: General fund revenues would increase by \$153,400 in FY 2005 and general fund expenditures would increase by \$289,200. Out-years reflect annualization, inflation, and renewal automobile purchases.

| (in dollars) | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| GF Revenue | \$153,400 | \$50,200 | \$50,200 | \$50,200 | \$50,200 |
| GF Expenditure | 289,200 | 214,200 | 218,700 | 270,100 | 227,800 |
| Net Effect | (\$135,800) | (\$164,000) | (\$168,500) | (\$219,900) | (\$177,600) |

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

Local Effect: None.

Small Business Effect: Meaningful. It is assumed that this bill would lead to significantly increased handgun sales in the State.

Analysis

Bill Summary: The bill eliminates the requirement that a person have a “good and substantial reason” for getting a handgun permit and adds a requirement that a person not

be prohibited from possessing a pistol or revolver under current law provisions which enumerate disqualifying conditions for regulated firearms possession (some of which are already disqualifying conditions for getting a permit). The bill also prohibits the issuance of a handgun permit to an individual the Secretary of State Police finds to be a “habitual drunkard” rather than an “alcoholic,” or is prohibited from possessing a regulated firearm.

The bill adds the following eligibility requirements for handgun permits:

- completion of a course of handgun instruction that must include six hours of handgun safety training, six hours of study on the legal responsibilities of gun owners, six hours of study and training in nomenclature, maintenance, sight alignment, position shooting, dry-firing, and range practice, and six hours of study on handgun safety on and off the firing range, in the home, and in transport;
- completion of a course of handgun instruction and passage of a firing range test;
- attaining a specified passing score on a firing range test and a written test on the legal responsibilities of gun use outside the home or business; and
- certification by a holder of a qualified handgun instructor’s card.

The bill requires the issuance of a qualified handgun instructor’s card to an applicant who: (1) completes and submits an application form; (2) documents the successful completion of formal training in the care, safety, and use of handguns; (3) documents a score of at least 70% on a firing range test at a practical police course at a distance up to 25 feet; (4) establishes that the applicant has been an instructor for at least one year; and (5) is certified as a National Rifle Association handgun instructor. A holder of a qualified handgun instructor’s card may conduct a handgun training course and firing range test for an applicant for a permit to carry a handgun.

The bill specifies the reasons for which the State Police may deny issuance of a qualified handgun instructor’s card to an applicant, reprimand any holder of a card, or suspend or revoke a card of the applicant or holder.

The Secretary of State Police may waive the course and firing range test requirements if the applicant is a former law enforcement officer, a member of the armed forces trained in the use of handguns, a member of an accredited gun club who is approved by a holder of a qualified handgun instructor’s card, or a National Rifle Certified Handgun Instructor.

The bill alters fees for handgun permits by: (1) decreasing from \$50 to \$35 the fee for a renewal or subsequent application; and (2) extending, from three to five years, the life of an approved permit renewal.

In addition, the Department of State Police must issue a permit within 45 days and establish a specified certification process for handgun instructors. Restrictions may not be placed on handgun permits.

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.

Background: Federal law does not regulate the carrying of concealed weapons. Currently, 43 states permit citizens to carry concealed weapons with a permit under certain circumstances. Details of concealed weapons laws vary greatly among localities, but most approaches fall into two categories. One of these categories is a discretionary system called “may issue” licensing, where legal authorities grant licenses only to those citizens who can establish a compelling need for carrying a concealed handgun. The other system is a nondiscretionary one called “shall issue” licensing. Under this system, legal authorities must provide a license to any applicant who meets specific criteria. Thirty-two states have enacted “shall issue” laws. Eleven states have “may issue” laws. Maryland’s current law is a “may issue” law because law enforcement has the discretion to issue permits. Five states and the District of Columbia prohibit the carrying of concealed weapons by private citizens: Illinois, Kansas, Nebraska, Ohio, and Wisconsin. Alaska and Vermont do not require a permit to carry a concealed weapon.

As of December 2001, there were approximately 12,000 active handgun permits in Maryland. The State Police issues an average of 2,204 initial handgun permits annually. There are about 4,000 annual renewals of permits based on the current three-year renewal cycle. It currently takes an average 45 to 60 days to receive the results of a national criminal history records check from the Federal Bureau of Investigation (FBI).

State Fiscal Effect: The State Police estimate that elimination of the requirements that a person have a “good and substantial reason” for carrying a firearm and not show a “propensity for violence or instability,” and eliminating restrictions on permits, will double the annual applications.

Assuming that under the bill an additional 2,204 initial permit applications are received at the same application fee rate (for a total of 4,408 annually) and one-third (4,000) of existing permits will be renewed at the lower \$35 renewal rate (until all current three-year permits expire), general fund revenues attributable to the State Police for handgun permits would increase by \$153,360 in fiscal 2005 accounting for the bill’s effective date. There would also be a net revenue increase of \$50,200 through fiscal 2009. After fiscal 2009, all additional permit revenue would derive from the new permitting cycle.

Although initial permit and renewal applications are estimated to remain relatively constant for the next several years, Legislative Services assumes that at some unknown time in the future, handgun permit applications will reach a saturation point. However, any such leveling off of permit applications cannot be reliably quantified.

The total maximum cost of criminal history records checks and fingerprinting is \$52, which includes State and national background checks. Maryland’s Criminal Justice Information System (CJIS) Central Repository is authorized by law to collect the \$18 fee established for Maryland criminal history records checks. There is also normally a \$10 fee for fingerprint cards (\$5 for each hand). The FBI charges a fee of \$24 for a national criminal history records check. The CJIS Central Repository must collect the fee from the applicant, or other payer, and reimburse the FBI through that agency’s monthly billing.

General fund expenditures could increase by an estimated \$289,223 in fiscal 2005, which accounts for the bill’s October 1, 2004 effective date. This estimate reflects the cost to hire two full-time troopers and one office secretary to process and issue the additional initial handgun permit applications, review and issue renewal permits, and prepare information relating to hearings, and perform the functions associated with handgun instructor certifications. It includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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| Salaries and Fringe Benefits | \$173,714 |
| Other Operating Expenses | <u>115,509</u> |
| Total FY 2005 Administrative Expenditures | \$289,223 |

Future year expenditures reflect: (1) full salaries with 4.6% annual increases and 3% employee turnover; (2) 1% annual increases in ongoing operating expenses; and (3) trooper automobile replacement costs in fiscal 2008.

Additional Information

Prior Introductions: Similar bills have been introduced during prior sessions. SB 382 of 2002, SB 220 of 2001, SB 234 of 1999, and SB 366 of 1998 were withdrawn. SB 234 of 2000 was never reported from the Judicial Proceedings Committee.

Cross File: None.

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

Fiscal Note History: First Reader - March 15, 2004
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