
By: **Delegates Dwyer, Aumann, Bartlett, Bates, Boteler, Boutin, Cluster, Costa, DeBoy, Eckardt, Edwards, Elliott, Frank, Fulton, Gilleland, Haddaway, Hogan, Impallaria, Jennings, Kach, Kelly, Krebs, Leopold, McConkey, McDonough, McKee, Miller, Minnick, Myers, Shank, Shewell, Smigiel, Stocksdale, Stull, Weir, and Weldon**

Introduced and read first time: February 11, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Citizens' Protection Act of 2005**

3 FOR the purpose of altering the requirements and procedures for application for, and
4 issuance of, a permit to carry, wear, or transport a handgun; altering and
5 eliminating certain fees; eliminating modified and limited handgun permits;
6 eliminating the requirement that the holder have a good and substantial reason
7 to carry a handgun; requiring an applicant to meet certain criteria and
8 conditions to obtain a permit; requiring certain information on a certain
9 application form; requiring the Secretary of State Police to approve or reject an
10 application for a handgun permit within a certain period of time; requiring the
11 Secretary to notify and provide certain information to an applicant whose
12 application is rejected; establishing a period in which a permit will expire if not
13 renewed; requiring permanent expiration of a permit that has not been renewed
14 within a certain time after its date of expiration; establishing a method to
15 replace a lost or destroyed permit; authorizing the Secretary to suspend
16 processing an application if the applicant is arrested for a crime that would
17 render the applicant ineligible to receive a permit; establishing criminal
18 penalties for an applicant who knowingly submits false information to the
19 Secretary; requiring a permit holder to carry certain identification when in
20 possession of a handgun; authorizing a permit holder to carry a handgun in a
21 certain manner; enumerating places where a permit holder may not wear, carry,
22 or transport a handgun; clarifying that this Act should not be construed to
23 preclude a judge from certain conduct; authorizing the holder of a permit from
24 another state to wear, carry, and transport a handgun in this State under
25 certain circumstances; providing certain immunity for the Secretary and certain
26 employees involved in processing handgun permits for unlawful acts of a permit
27 holder involving the use of handguns under certain circumstances; prohibiting
28 the Secretary from modifying the issuance of a permit except as provided in this
29 Act; clarifying that this Act should not be construed to require the collection of
30 certain information regarding handguns owned by permit holders; requiring the
31 Secretary to maintain certain lists of permit holders and to make the lists

1 available, on request, only to law enforcement agencies; establishing that
2 possession of a permit constitutes sufficient evidence of a background check
3 under certain federal law; applying this Act to the reissuance of a permit issued
4 before the effective date of this Act; authorizing the Secretary to reissue a permit
5 to a certain individual who received a permit prior to the effective date of this
6 Act under certain circumstances; making stylistic changes; and generally
7 relating to the issuance of a permit to wear, carry, or transport a handgun.

8 BY repealing and reenacting, without amendments,
9 Article - Public Safety
10 Section 5-301, 5-302, 5-303, 5-305, 5-310, 5-313, and 5-314
11 Annotated Code of Maryland
12 (2003 Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Public Safety
15 Section 5-304, 5-306, 5-307, 5-308, 5-309, 5-311, and 5-312
16 Annotated Code of Maryland
17 (2003 Volume and 2004 Supplement)

18 BY adding to
19 Article - Public Safety
20 Section 5-306.1, 5-310.1, and 5-315
21 Annotated Code of Maryland
22 (2003 Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Public Safety**

26 5-301.

- 27 (a) In this subtitle the following words have the meanings indicated.
- 28 (b) "Board" means the Handgun Permit Review Board.
- 29 (c) "Handgun" has the meaning stated in § 4-201 of the Criminal Law Article.
- 30 (d) "Permit" means a permit issued by the Secretary to carry, wear, or
31 transport a handgun.
- 32 (e) "Secretary" means the Secretary of State Police or the Secretary's
33 designee.

1 5-302.

2 (a) There is a Handgun Permit Review Board in the Department of Public
3 Safety and Correctional Services.

4 (b) The Board consists of five members appointed from the public by the
5 Governor with the advice and consent of the Senate.

6 (c) (1) The term of a member is 3 years.

7 (2) The terms of the members are staggered as required by the terms
8 provided for members of the Board on October 1, 2003.

9 (3) At the end of a term, a member continues to serve until a successor is
10 appointed and qualifies.

11 (4) A member who is appointed after a term has begun serves only for
12 the rest of the term and until a successor is appointed and qualifies.

13 (5) A member of the Board is eligible for reappointment.

14 (d) A member of the Board is entitled to:

15 (1) compensation in accordance with the State budget for each day that
16 the member actually is engaged in the discharge of the member's official duties; and

17 (2) reimbursement for expenses under the Standard State Travel
18 Regulations, as provided in the State budget.

19 5-303.

20 A person shall have a permit issued under this subtitle before the person carries,
21 wears, or transports a handgun.

22 5-304.

23 (a) An application for a permit shall be made under oath.

24 (b) (1) Subject to subsections (c) and (d) of this section, the Secretary may
25 charge a nonrefundable fee payable when an application is filed for a permit.

26 (2) The fee may not exceed:

27 (i) [~~\$75~~] \$80 for an initial application;

28 (ii) [~~\$50~~] \$25 for a renewal or subsequent application; and

29 (iii) [~~\$10~~] \$15 for a duplicate [or modified] permit.

30 (3) The fees under this subsection are in addition to the fees authorized
31 under § 5-305 of this subtitle.

1 (c) [The Secretary may reduce the fee under subsection (b) of this section
2 accordingly for a permit that is granted for one day only and at one place only.

3 (d)] The Secretary may not charge a fee under subsection (b) of this section to:

4 (1) a State, county, or municipal public safety employee who is required
5 to carry, wear, or transport a handgun as a condition of governmental employment; or

6 (2) a retired law enforcement officer of the State or a county or municipal
7 corporation of the State.

8 [(e)] (D) The applicant may pay a fee under this section by a personal check,
9 business check, certified check, or money order.

10 5-305.

11 (a) In this section, "Central Repository" means the Criminal Justice
12 Information System Central Repository of the Department of Public Safety and
13 Correctional Services.

14 (b) The Secretary shall apply to the Central Repository for a State and
15 national criminal history records check for each applicant for a permit.

16 (c) As part of the application for a criminal history records check, the
17 Secretary shall submit to the Central Repository:

18 (1) two complete sets of the applicant's legible fingerprints taken on
19 forms approved by the Director of the Central Repository and the Director of the
20 Federal Bureau of Investigation;

21 (2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure
22 Article for access to Maryland criminal history records; and

23 (3) the mandatory processing fee required by the Federal Bureau of
24 Investigation for a national criminal history records check.

25 (d) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure
26 Article, the Central Repository shall forward to the applicant and the Secretary a
27 printed statement of the applicant's criminal history record information.

28 (e) Information obtained from the Central Repository under this section:

29 (1) is confidential and may not be disseminated; and

30 (2) shall be used only for the licensing purpose authorized by this
31 section.

32 (f) The subject of a criminal history records check under this section may
33 contest the contents of the printed statement issued by the Central Repository as
34 provided in § 10-223 of the Criminal Procedure Article.

1 5-306.

2 (a) Subject to subsection (b) of this section, the Secretary shall issue a permit
3 [within a reasonable time] to [a person] AN APPLICANT who the Secretary finds:

4 (1) IS A RESIDENT OF THE UNITED STATES;

5 [(1)] (2) is an adult;

6 [(2)] (3) (i) has not been convicted of a felony or of a misdemeanor for
7 which a sentence of imprisonment for more than 1 year has been imposed; or

8 (ii) if convicted of a crime described in item (i) of this item, has been
9 pardoned or has been granted relief under 18 U.S.C. § 925(c);

10 [(3)] (4) has not been convicted of a crime involving the possession, use,
11 or distribution of a controlled dangerous substance;

12 [(4)] (5) is not presently an alcoholic, addict, or habitual user of a
13 controlled dangerous substance unless the habitual use of the controlled dangerous
14 substance is under legitimate medical direction; and

15 [(5)] (6) HAS THE DESIRE [based on an investigation:

16 (i) has not exhibited a propensity for violence or instability that
17 may reasonably render the person's possession of a handgun a danger to the person or
18 to another; and

19 (ii) has good and substantial reason] to wear, carry, or transport a
20 handgun FOR LAWFUL SELF-DEFENSE[, such as a finding that the permit is
21 necessary as a reasonable precaution against apprehended danger.];

22 (7) HAS NOT BEEN CONVICTED OF RAPE, SPOUSAL ASSAULT, ABUSE OF
23 A CHILD UNDER TITLE 3 OF THE CRIMINAL LAW ARTICLE, OR A SEXUAL OFFENSE IN
24 THE FIRST THROUGH FOURTH DEGREE;

25 (8) HAS NOT BEEN COMMITTED FOR MORE THAN 72 HOURS TO A
26 MENTAL HEALTH FACILITY OR VETERANS ADMINISTRATION HOSPITAL IN THIS OR
27 ANY OTHER STATE FOR THE TREATMENT OF A MENTAL DISORDER;

28 (9) HAS DEMONSTRATED COMPETENCE WITH A HANDGUN BY ANY ONE
29 OF THE FOLLOWING:

30 (I) SUCCESSFUL COMPLETION OF A COURSE IN FIREARMS AND
31 HUNTER SAFETY APPROVED BY THE DEPARTMENT OF STATE POLICE, OR A SIMILAR
32 COURSE APPROVED BY A SIMILAR AGENCY IN ANOTHER STATE;

33 (II) SUCCESSFUL COMPLETION OF A NATIONAL RIFLE
34 ASSOCIATION FIREARMS SAFETY OR TRAINING COURSE CONDUCTED BY A NATIONAL
35 RIFLE ASSOCIATION CERTIFIED INSTRUCTOR;

1 (III) SUCCESSFUL COMPLETION OF A FIREARMS SAFETY OR
2 TRAINING COURSE OR CLASS OFFERED TO THE GENERAL PUBLIC BY A LAW
3 ENFORCEMENT AGENCY, JUNIOR COLLEGE, PRIVATE OR PUBLIC INSTITUTION OR
4 ORGANIZATION, OR FIREARMS TRAINING SCHOOL, TAUGHT BY INSTRUCTORS
5 CERTIFIED OR AUTHORIZED BY THE:

- 6 1. NATIONAL RIFLE ASSOCIATION;
- 7 2. POLICE TRAINING COMMISSION; OR
- 8 3. DEPARTMENT OF NATURAL RESOURCES;

9 (IV) SUCCESSFUL COMPLETION OF A LAW ENFORCEMENT
10 FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED FOR SECURITY
11 GUARDS, PRIVATE DETECTIVES, SPECIAL POLICE, OR MEMBERS OF A DIVISION OR
12 SUBDIVISION OF A LAW ENFORCEMENT OR SECURITY AGENCY AND APPROVED BY
13 THE POLICE TRAINING COMMISSION;

14 (V) DEMONSTRATION OF EXPERIENCE WITH A HANDGUN
15 THROUGH PARTICIPATION IN AN ORGANIZED SHOOTING COMPETITION OR BY
16 SHOWING PROOF OF MILITARY SERVICE; OR

17 (VI) PRESENTATION OF EVIDENCE THAT THE INDIVIDUAL IS
18 LICENSED OR HAS BEEN LICENSED TO CARRY A HANDGUN IN THIS STATE OR ANY
19 OTHER STATE, UNLESS THE LICENSE HAS BEEN REVOKED FOR CAUSE;

20 (10) HAS NO PHYSICAL INFIRMITY THAT PREVENTS THE SAFE HANDLING
21 OF A HANDGUN; AND

22 (11) HAS SUBMITTED, IN PERSON, TO THE DEPARTMENT OF STATE
23 POLICE AT A STATE POLICE HEADQUARTERS BARRACKS OR DETACHMENT, AN
24 APPLICATION THAT REQUIRES:

25 (I) THE APPLICANT'S NAME, ADDRESS, AND DATE OF BIRTH;

26 (II) THE APPLICANT'S CERTIFICATION THAT THE APPLICANT
27 MEETS THE CRITERIA AND CONDITIONS LISTED IN THIS SECTION;

28 (III) THE APPLICANT'S CERTIFICATION THAT THE APPLICANT HAS
29 RECEIVED A COPY OF THIS SECTION AND HAS READ AND UNDERSTANDS IT;

30 (IV) A FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT
31 THAT MEASURES ONE AND ONE-HALF INCH WIDE AND ONE AND ONE-HALF INCH
32 HIGH AND SHOWS THE APPLICANT'S HEAD AND HAIR;

33 (V) DOCUMENTATION OF COMPETENCY AS REQUIRED BY ITEM (9)
34 OF THIS SUBSECTION, WHICH MAY BE:

- 35 1. A PHOTOCOPY OF A CERTIFICATE OF COMPLETION OF A
36 COURSE OR CLASS;

1 5-306.1.

2 AN APPLICANT OR A PERMIT HOLDER WHO KNOWINGLY SUBMITS FALSE
3 INFORMATION TO THE SECRETARY IS GUILTY OF A MISDEMEANOR AND ON
4 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE
5 NOT EXCEEDING \$500 OR BOTH.

6 5-307.

7 [(a)] A permit is valid for each handgun legally in the possession of the person
8 to whom the permit is issued.

9 [(b)] The Secretary may limit the geographic area, circumstances, or times of
10 the day, week, month, or year in which a permit is effective.]

11 5-308.

12 (A) A person to whom a permit is issued or renewed shall carry the permit AND
13 A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION in the person's
14 possession whenever the person carries, wears, or transports a handgun.

15 (B) A PERMIT HOLDER MAY WEAR, CARRY, OR TRANSPORT A HANDGUN ON OR
16 ABOUT THE PERMIT HOLDER'S PERSON, IN A PURSE OR PORTFOLIO, OR IN A PLACE
17 READILY ACCESSIBLE, BUT MUST KEEP THE HANDGUN HIDDEN FROM SIGHT
18 UNLESS IT IS BEING USED IN A LAWFUL MANNER.

19 (C) A PERMIT ISSUED UNDER THIS SUBTITLE DOES NOT AUTHORIZE THE
20 PERMIT HOLDER TO WEAR, CARRY, OR TRANSPORT A HANDGUN INTO:

21 (1) A POLICE OR SHERIFF STATION;

22 (2) A DETENTION FACILITY, PRISON, OR JAIL;

23 (3) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A
24 COURTHOUSE, COURTROOM, OR ANY OTHER LOCATION WHERE A JUDICIAL
25 PROCEEDING TAKES PLACE;

26 (4) A POLLING PLACE DURING A PRIMARY, GENERAL, OR SPECIAL
27 ELECTION;

28 (5) A MEETING OF A LEGISLATURE OR COMMITTEE OF A LEGISLATURE;

29 (6) A MEETING OF A GOVERNING BODY OF A COUNTY, PUBLIC SCHOOL
30 DISTRICT, MUNICIPAL CORPORATION, OR SPECIAL TAXING DISTRICT;

31 (7) THE PORTION OF AN ESTABLISHMENT LICENSED TO DISPENSE
32 ALCOHOLIC BEVERAGES IN WHICH THE PRIMARY PURPOSE IS THE CONSUMPTION OF
33 ALCOHOLIC BEVERAGES; OR

34 (8) ANY PLACE WHERE THE WEARING, CARRYING, OR TRANSPORTING OF
35 A HANDGUN IS PROHIBITED BY FEDERAL LAW.

1 (D) THIS SUBTITLE MAY NOT BE CONSTRUED TO PRECLUDE A JUDGE FROM
2 CARRYING A HANDGUN INTO THE COURTROOM OR DETERMINING WHO MAY CARRY A
3 HANDGUN INTO THE COURTROOM.

4 (E) (1) THE HOLDER OF A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A
5 HANDGUN ISSUED BY ANOTHER STATE FOR THE SAME PURPOSE AND UNDER
6 CONDITIONS SIMILAR TO THIS SECTION MAY WEAR, CARRY, AND TRANSPORT A
7 HANDGUN IN THIS STATE.

8 (2) THE HOLDER OF A PERMIT TO WEAR, CARRY, OR TRANSPORT A
9 HANDGUN ISSUED BY ANOTHER STATE SHALL BE IN POSSESSION OF THE PERMIT
10 AND A VALID DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION WHILE
11 WEARING, CARRYING, OR TRANSPORTING A HANDGUN IN THIS STATE.

12 5-309.

13 (a) A permit [expires on the last day of the holder's birth month following 2]
14 ISSUED UNDER THIS SUBTITLE SHALL EXPIRE 4 years after the date the permit is
15 issued.

16 (b) [A permit may be renewed for successive periods of 3 years each if, at the
17 time of an application for renewal, the applicant possesses the qualifications for the
18 issuance of a permit and pays the renewal fee stated in this subtitle] NO LESS THAN
19 90 DAYS BEFORE EXPIRATION OF A PERMIT, THE SECRETARY SHALL MAIL WRITTEN
20 NOTICE OF THE EXPIRATION AND A RENEWAL FORM TO THE HOLDER OF THE
21 PERMIT.

22 (C) (1) A PERMIT HOLDER MAY RENEW THE PERMIT FOR A PERIOD OF 4
23 YEARS ON OR BEFORE THE EXPIRATION DATE BY SUBMITTING TO THE SECRETARY:

24 (I) THE RENEWAL FORM;

25 (II) A NOTARIZED AFFIDAVIT STATING THAT THE PERMIT HOLDER
26 IS STILL ELIGIBLE TO WEAR, CARRY, OR TRANSPORT A HANDGUN UNDER § 5-306 OF
27 THIS SUBTITLE;

28 (III) A COLOR PHOTOGRAPH AS SPECIFIED IN § 5-306(A)(11)(IV) OF
29 THIS SUBTITLE; AND

30 (IV) THE APPROPRIATE RENEWAL FEE.

31 (2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, IF THE PERMIT
32 HOLDER FAILS TO FILE FOR A RENEWAL ON OR BEFORE THE EXPIRATION DATE, IN
33 ADDITION TO THE SUBMISSIONS REQUIRED UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION, THE PERMIT HOLDER SHALL SUBMIT A LATE FEE OF \$15.

35 (D) (1) A PERMIT SHALL BE CONSIDERED PERMANENTLY EXPIRED AND MAY
36 NOT BE RENEWED IF 180 DAYS OR MORE HAVE PASSED SINCE THE PERMIT HAS
37 EXPIRED.

1 (2) THE HOLDER OF A PERMANENTLY EXPIRED PERMIT MAY APPLY FOR
2 A NEW PERMIT UNDER § 5-306 OF THIS SUBTITLE.

3 (E) (1) A PERMIT HOLDER SHALL NOTIFY THE SECRETARY OF A CHANGE OF
4 PERMANENT ADDRESS OR THE LOSS OR DESTRUCTION OF A PERMIT WITHIN 30 DAYS
5 OR BE LIABLE FOR A PENALTY NOT EXCEEDING \$25.

6 (2) A LOST OR DESTROYED PERMIT SHALL BE CONSIDERED INVALID.

7 (3) A PERMIT HOLDER MAY APPLY FOR A REPLACEMENT PERMIT BY
8 SUBMITTING TO THE SECRETARY:

9 (I) THE APPROPRIATE FEE;

10 (II) A NOTARIZED STATEMENT THAT THE PERMIT WAS LOST OR
11 DESTROYED; AND

12 (III) A COLOR PHOTOGRAPH AS SPECIFIED IN § 5-306(A)(11)(IV) OF
13 THIS SUBTITLE.

14 (F) IF AN APPLICANT FOR A PERMIT OR FOR THE RENEWAL OR REPLACEMENT
15 OF A PERMIT IS ARRESTED FOR A CRIME THAT WOULD DISQUALIFY THE APPLICANT
16 FROM OBTAINING THE PERMIT, THE SECRETARY MAY SUSPEND THE PROCESSING OF
17 THE APPLICATION UNTIL THE FINAL DISPOSITION OF THE CHARGE ON WHICH THE
18 ARREST OF THE APPLICANT WAS BASED.

19 5-310.

20 (a) The Secretary may revoke a permit on a finding that the holder:

21 (1) does not meet the qualifications described in § 5-306 of this subtitle;

22 or

23 (2) violated § 5-308 of this subtitle.

24 (b) A holder of a permit that is revoked by the Secretary shall return the
25 permit to the Secretary within 10 days after receipt of written notice of the
26 revocation.

27 5-310.1.

28 THE SECRETARY AND EMPLOYEES INVOLVED IN THE PROCESSING OF AN
29 APPLICATION, RENEWAL, OR REPLACEMENT OF A PERMIT MAY NOT BE HELD
30 CIVILLY OR CRIMINALLY LIABLE FOR UNLAWFUL ACTS INVOLVING THE USE OF A
31 HANDGUN COMMITTED BY A PERMIT HOLDER UNLESS THE SECRETARY OR
32 EMPLOYEE HAD ACTUAL KNOWLEDGE AT THE TIME OF ISSUE, REISSUE, OR
33 REPLACEMENT OF A PERMIT THAT THE APPLICANT WAS DISQUALIFIED BY LAW
34 FROM WEARING, CARRYING, OR TRANSPORTING A HANDGUN.

1 5-311.

2 (a) A person who is denied a permit or renewal of a permit or whose permit is
3 revoked [or limited] may request the Secretary to conduct an informal review by
4 filing a written request within 10 days after receipt of written notice of the
5 Secretary's initial action.

6 (b) An informal review:

7 (1) may include a personal interview of the person who requested the
8 informal review; and

9 (2) is not subject to Title 10, Subtitle 2 of the State Government Article.

10 (c) In an informal review, the Secretary shall sustain[, reverse, or modify] OR
11 REVERSE the initial action taken and notify the person who requested the informal
12 review of the decision in writing within 30 days after receipt of the request for
13 informal review.

14 (d) A person need not file a request for an informal review under this section
15 before requesting review under § 5-312 of this subtitle.

16 5-312.

17 (a) (1) A person who is denied a permit or renewal of a permit or whose
18 permit is revoked [or limited] may request the Board to review the decision of the
19 Secretary by filing a written request with the Board within 10 days after receipt of
20 written notice of the Secretary's final action.

21 (2) A person whose application for a permit or renewal of a permit is not
22 acted on by the Secretary within 90 days after submitting the application to the
23 Secretary may request a hearing before the Board by filing a written request with the
24 Board.

25 (b) Within 90 days after receiving a request to review a decision of the
26 Secretary, the Board shall:

27 (1) review the record developed by the Secretary; or

28 (2) conduct a hearing.

29 (c) The Board may receive and consider additional evidence submitted by a
30 party in conducting a review of the decision of the Secretary.

31 (d) (1) Based on the Board's consideration of the record and any additional
32 evidence, the Board shall sustain[, reverse, or modify] OR REVERSE the decision of
33 the Secretary.

34 (2) If the action by the Board results in the denial of a permit or renewal
35 of a permit or the revocation or limitation of a permit, the Board shall submit in

1 writing to the applicant or the holder of the permit the reasons for the action taken by
2 the Board.

3 (e) (1) Any hearing and any subsequent proceedings of judicial review shall
4 be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

5 (2) Notwithstanding paragraph (1) of this subsection, a court may not
6 order the issuance or renewal of a permit or alter a limitation on a permit pending a
7 final determination of the proceeding.

8 5-313.

9 (a) A person may not fail to return a revoked permit.

10 (b) A person who violates this section is guilty of a misdemeanor and on
11 conviction is subject to imprisonment not exceeding 1 year or a fine of not less than
12 \$100 or exceeding \$1,000 or both.

13 5-314.

14 (a) A person who holds a permit may not wear, carry, or transport a handgun
15 while the person is under the influence of alcohol or drugs.

16 (b) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding
18 \$1,000 or both.

19 5-315.

20 (A) THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE THE
21 REGISTRATION, DOCUMENTATION, OR PROVISION OF SERIAL NUMBERS OF ANY
22 HANDGUN OWNED BY THE HOLDER OF A PERMIT.

23 (B) THE SECRETARY SHALL MAINTAIN AN AUTOMATED LISTING OF HOLDERS
24 OF PERMITS THAT SHALL BE AVAILABLE, ON REQUEST, ONLY TO LAW
25 ENFORCEMENT AGENCIES.

26 (C) POSSESSION OF A VALID PERMIT SHALL CONSTITUTE SUFFICIENT
27 EVIDENCE OF A BACKGROUND CHECK REQUIRED UNDER 18 U.S.C. § 922(S).

28 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
29 finds as a matter of public policy and fact that it is necessary to provide statewide
30 uniform standards for issuing permits to carry handguns for lawful self-defense and
31 self-protection, and further finds it necessary to occupy the field of regulation of the
32 wearing, carrying, and transportation of handguns to ensure that no honest,
33 law-abiding individual who qualifies under the provisions of this Act is subjectively
34 or arbitrarily denied the individual's rights.

35 The General Assembly does not delegate to the Secretary of State Police any
36 authority to regulate or restrict the issuing of permits except as provided for in this

1 Act. Subjective or arbitrary actions or rules which encumber the issuing process by
2 placing burdens on the applicant beyond those requirements detailed in this Act, or
3 which create restrictions beyond those requirements detailed in this Act, are
4 considered to be in conflict with the intent of this Act, and are hereby prohibited. This
5 Act shall be liberally construed to carry out the constitutional right to bear arms for
6 self-defense and self-protection.

7 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act
8 shall apply to the reissue or replacement of any permit to wear, carry, or transport a
9 handgun that was originally issued under Title 5, Subtitle 3 of the Public Safety
10 Article before the effective date of this Act.

11 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2005.