
By: **Delegates Dwyer, Bates, Boschert, Boteler, Costa, DeBoy, Eckardt, Edwards, Frank, Gilleland, Glassman, Hogan, Impallaria, Kohl, Krebs, McComas, McConkey, McKee, Myers, O'Donnell, Parrott, Shewell, Smigiel, Stocksdale, and Walkup**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Women and Children's Protection Act of 2006**

3 FOR the purpose of applying certain qualifications for a permit to wear, carry, or
4 transport a handgun to men only; establishing certain qualifications for a
5 permit to wear, carry, or transport a handgun for women; and generally relating
6 to the issuance of a permit to wear, carry, or transport a handgun.

7 BY repealing and reenacting, with amendments,
8 Article - Public Safety
9 Section 5-306
10 Annotated Code of Maryland
11 (2003 Volume and 2005 Supplement)

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

14 **Article - Public Safety**

15 5-306.

16 (a) Subject to subsection [(b)] (C) of this section, the Secretary shall issue a
17 permit within a reasonable time to a [person] MAN who the Secretary finds:

18 (1) is an adult;

19 (2) (i) has not been convicted of a felony or of a misdemeanor for which
20 a sentence of imprisonment for more than 1 year has been imposed; or

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

23 (3) has not been convicted of a crime involving the possession, use, or
24 distribution of a controlled dangerous substance;

1 (4) is not presently an alcoholic, addict, or habitual user of a controlled
2 dangerous substance unless the habitual use of the controlled dangerous substance is
3 under legitimate medical direction; and

4 (5) based on an investigation:

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

8 (ii) has good and substantial reason to wear, carry, or transport a
9 handgun, such as a finding that the permit is necessary as a reasonable precaution
10 against apprehended danger.

11 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE SECRETARY SHALL
12 ISSUE A PERMIT WITHIN A REASONABLE TIME TO A WOMAN WHO THE SECRETARY
13 FINDS:

14 (1) IS AN ADULT;

15 (2) (I) HAS NOT BEEN CONVICTED OF A FELONY OR OF A
16 MISDEMEANOR FOR WHICH A SENTENCE OF IMPRISONMENT FOR MORE THAN 1
17 YEAR HAS BEEN IMPOSED; OR

18 (II) IF CONVICTED OF A CRIME DESCRIBED IN ITEM (I) OF THIS
19 ITEM, HAS BEEN PARDONED OR HAS BEEN GRANTED RELIEF UNDER 18 U.S.C. § 925(C);

20 (3) HAS NOT BEEN CONVICTED OF A CRIME INVOLVING THE
21 POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE;

22 (4) IS NOT PRESENTLY AN ALCOHOLIC, ADDICT, OR HABITUAL USER OF
23 A CONTROLLED DANGEROUS SUBSTANCE UNLESS THE HABITUAL USE OF THE
24 CONTROLLED DANGEROUS SUBSTANCE IS UNDER LEGITIMATE MEDICAL DIRECTION;

25 (5) BASED ON AN INVESTIGATION, HAS NOT EXHIBITED A PROPENSITY
26 FOR VIOLENCE OR INSTABILITY THAT MAY REASONABLY RENDER THE PERSON'S
27 POSSESSION OF A HANDGUN A DANGER TO THE PERSON OR TO ANOTHER; AND

28 (6) HAS THE DESIRE TO WEAR, CARRY, OR TRANSPORT A HANDGUN FOR
29 LAWFUL SELF-DEFENSE OR DEFENSE OF A CHILD OR CHILDREN OF THE APPLICANT.

30 [(b)] (C) An applicant under the age of 30 years is qualified only if the
31 Secretary finds that the applicant has not been:

32 (1) committed to a detention, training, or correctional institution for
33 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile
34 court; or

35 (2) adjudicated delinquent by a juvenile court for:

1 (i) an act that would be a crime of violence if committed by an
2 adult;

3 (ii) an act that would be a felony in this State if committed by an
4 adult; or

5 (iii) an act that would be a misdemeanor in this State that carries a
6 statutory penalty of more than 2 years if committed by an adult.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2006.