

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1382
Judiciary

(Delegate Miller, *et al.*)

Regulated Firearms - License Issued by Another State - Reciprocity

This bill provides that a license issued by another state to an individual to carry a regulated firearm, including a concealed regulated firearm, is valid in Maryland.

Fiscal Summary

State Effect: None. The bill's requirements do not impose any additional responsibilities for units of government.

Local Effect: None.

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 United States, Maryland, or 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 another; 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.

A regulated firearm means a handgun or any of 45 specified assault weapons, or their copies, identified in statute.

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 jurisdictions, 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.

Twenty-seven states have “shall issue” laws, and 14 states have “may issue” laws. Maryland is a “may issue” State because law enforcement has the discretion to issue permits. Six states (Illinois, Kansas, Missouri, Nebraska, Ohio, and Wisconsin) and the District of Columbia prohibit the carrying of concealed weapons altogether. Vermont is the only state that allows its residents to carry concealed weapons without a permit.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 5, 2006
nas/jr

Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510