

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 306 (Delegate Costa, *et al.*)
 Judiciary

Public Safety - Handgun Permit Application Fee - Waiver for State Judges

This bill prohibits a sitting State judge from being charged the State handgun permit fee.

Fiscal Summary

State Effect: Based on the number of current handgun permits issued to judges (150), general fund revenues could decrease by about \$3,750 annually, or \$7,500 every two years due to the current permit renewal cycle. The bill should not measurably affect general fund revenues from initial handgun applications.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
GF Revenue	(\$3,750)	(\$3,750)	(\$3,750)	(\$3,750)	(\$3,750)
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	(\$3,750)	(\$3,750)	(\$3,750)	(\$3,750)	(\$3,750)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: To be issued a permit to carry a handgun by the Secretary of State Police, an applicant (1) must be 18 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, 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. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks at a cost of \$42 for the initial application (plus \$10 for the fingerprint cards) and \$24 for renewals (covering a federal recheck only).

Background: There are 285 current State judgeship positions in Maryland, distributed as follows:

- Court of Appeals – 7 positions, 1 vacant;
- Court of Special Appeals Judges – 13 positions, 2 vacant;
- Circuit Court Judges – 153 positions, 2 vacant; and
- District Court – 112 positions (including the Chief Judge), 10 vacant.

According to the State Police, as of November 30, 2007, there were 150 active handgun permits issued to judges in Maryland.

There are about 12,000 active handgun permits in Maryland. The State Police denies about 250 applicants per year on the basis of a finding that the person did not have a good and substantial reason to wear, carry, or transport a handgun. Maryland’s Criminal Justice Information System Central Repository must collect the fee from the applicant, or other payer, and reimburse the Federal Bureau of Investigation (FBI) through that agency’s monthly billing.

In 2006, the most recent complete year for which data is supplied by the Department of State Police, the State Police received 5,881 initial and renewal applications: 2,085 initial applications, 2,653 renewal applications, and 1,143 initial and renewal applications from

retired law enforcement personnel. It currently takes an average of 30 to 45 days to receive the results of a national criminal history records check from the FBI.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - January 25, 2008
mll/jr

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