SB0267/198971/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 267
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "making it mandatory, rather than discretionary, for" and substitute "requiring"; in line 6, after "duration;" insert "requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances;"; strike beginning with "the" in line 6 down through "of" in line 7; in line 7, after "orders" insert "and surrender of firearms"; and after line 12, insert:

"BY adding to
Article – Family Law
Section 4-506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 5, after line 29, insert:

"**4-506.1.**

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4-506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(Over)

(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF THE FINAL PROTECTIVE ORDER UNLESS:

(1) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4-507(A)(2) OF THIS SUBTITLE; OR

(2) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.".

AMENDMENT NO. 3

On page 1, strike line 2 in its entirety and substitute "Domestic Violence – Firearms – Protective Orders and Handgun Permits"; in line 6, before "making" insert "specifying that an applicant for a handgun permit who is eligible for relief under the spousal domestic violence law for whose benefit a court has issued a temporary or final protective order meets a certain standard in order to be issued a handgun permit by the Secretary of State Police;"; in the same line, after "technical" insert "and stylistic"; in line 7, before the period insert "and the issuance of handgun permits to certain applicants for whose benefit a court has issued a temporary or final protective order"; and before line 13, insert:

"BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–301(a) and (d)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety
Section 5–306
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 4

On page 6, after line 17, insert:

"Article – Public Safety

5–301.

(a) In this subtitle the following words have the meanings indicated.

(d) "Permit" means a permit issued by the Secretary to carry, wear, or transport a handgun.

5–306.

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

(1) is an adult;

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

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

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

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

(5) based on an investigation:

(i) has not exhibited a propensity for violence or instability that may reasonably render the **[**person's**]** **APPLICANT'S** possession of a handgun a danger to the **[**person**]** **APPLICANT** or to another; and

(ii) has good and substantial reason to wear, carry, or transport a handgun, such as**:**

1. a finding that the permit is necessary as a reasonable precaution against apprehended danger**; OR**

2. THE APPLICANT IS A PERSON ELIGIBLE FOR RELIEF FOR WHOSE BENEFIT A COURT HAS ISSUED A TEMPORARY OR FINAL PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

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

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

(2) adjudicated delinquent by a juvenile court for:

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

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

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