

HOUSE BILL 470

E4
HB 2/08 – JUD

9lr1430

By: **Delegates Riley, James, Aumann, Bartlett, Bates, Beitzel, Boteler, Bromwell, Costa, Donoghue, DeBoy, Dwyer, Elliott, Elmore, Frank, George, Impallaria, Jennings, Kelly, King, Kipke, Krebs, McComas, McConkey, McDonough, Miller, Minnick, Myers, Norman, O'Donnell, Schuh, Schuler, Serafini, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Walkup, Weir, Weldon, and Wood**

Introduced and read first time: February 4, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Repeal of Finding Requirement**

3 FOR the purpose of repealing the requirement that the Secretary of State Police find
4 that a person has a good and substantial reason to wear, carry, or transport a
5 handgun before issuing a certain handgun permit to the person; and generally
6 relating to the issuing of handgun permits by the Secretary of State Police.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 5–306
10 Annotated Code of Maryland
11 (2003 Volume and 2008 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) of this section, the Secretary shall issue a permit
17 within a reasonable time to a person who the Secretary finds:

18 (1) is an adult;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

10 (5) based on an investigation[:

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

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

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

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

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

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

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2009.