

SENATE BILL 485

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9lr2584
CF 9lr2022

By: **Senators Mooney, Astle, Brinkley, Colburn, DeGrange, Edwards, Glassman, Greenip, Haines, Harris, Kittleman, Klausmeier, Middleton, Simonaire, Stoltzfus, and Stone**

Introduced and read first time: February 4, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Federal Flight Deck Officers**

3 FOR the purpose of requiring the Secretary of State Police to issue a permit to carry,
4 wear, or transport a handgun within a reasonable time to an applicant who can
5 provide documentation that the applicant has successfully completed the
6 Federal Flight Deck Officer Program of the Transportation Security
7 Administration of the United States Department of Homeland Security and has
8 been authorized to use a firearm to defend against an act of criminal violence or
9 air piracy committed by a person who is attempting to gain control of an
10 aircraft; and generally relating to permits to carry, wear, or transport a
11 handgun.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 5–306
15 Annotated Code of Maryland
16 (2003 Volume and 2008 Supplement)

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

19 **Article – Public Safety**

20 5–306.

21 (a) Subject to subsection (b) **AND (C)** of this section, the Secretary shall issue
22 a permit within a reasonable time to a person who the Secretary finds:

23 (1) is an adult;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 possession of a handgun a danger to the person or to another; and

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

(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.

(C) THE SECRETARY SHALL ISSUE A PERMIT WITHIN A REASONABLE TIME TO AN APPLICANT WHO CAN PROVIDE DOCUMENTATION THAT THE APPLICANT HAS SUCCESSFULLY COMPLETED THE FEDERAL FLIGHT DECK OFFICER PROGRAM OF THE TRANSPORTATION SECURITY ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY AND HAS BEEN

1 **AUTHORIZED TO USE A FIREARM TO DEFEND AGAINST AN ACT OF CRIMINAL**
2 **VIOLENCE OR AIR PIRACY COMMITTED BY A PERSON WHO IS ATTEMPTING TO**
3 **GAIN CONTROL OF AN AIRCRAFT.**

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