

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 485

(Senator Mooney, *et al.*)

Judicial Proceedings

Public Safety - Handgun Permits - Federal Flight Deck Officers

This bill requires the Secretary of State Police to issue a permit to carry, wear, or transport a handgun within a reasonable time to an applicant who can provide documentation of successful completion of the Federal Flight Deck Officer (FFDO) Program of the federal Transportation Security Administration (TSA) and has been authorized to use a firearm to defend against a violent criminal attempt to gain control of an aircraft.

Fiscal Summary

State Effect: Minimal. Any potential increase in revenue from handgun permits is not expected to measurably affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, 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, of Maryland, or of any county or municipality in Maryland. (*See Criminal Law Article, § 4-203.*)

To be issued a permit to wear, carry, or transport 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 the applicant 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 permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective. A person to whom a permit is issued or renewed must carry the permit in the person's possession whenever the person carries, wears, or transports a handgun. Failure to carry the permit while carrying the handgun may lead to revocation of the permit.

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). The Secretary may not charge a fee to: (1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or (2) a retired law enforcement officer of the State, or of a county or municipality of the State.

Background: There are about 12,000 active handgun permits in Maryland.

The FFDO Program is a voluntary program whereby eligible flight crewmembers are authorized by TSA's Office of Law Enforcement and the Federal Air Marshal Service to use firearms to defend against an act of criminal violence or air piracy attempting to gain control of an aircraft. A flight crew member may be a pilot (including a cargo pilot), flight engineer or navigator assigned to the flight, or certain other crew members.

FFDOs are trained by the Federal Air Marshal Service on the use of firearms, use of force, legal issues, defensive tactics, the psychology of survival and program standard operating procedures. They are considered federal law enforcement officers only for the

limited purposes of carrying firearms and using force, including lethal force, to defend the flight deck of an aircraft from air piracy or criminal violence. They are not granted or authorized to exercise other law enforcement powers such as arrest powers, or seek or execute arrest warrants, or seizure of evidence, or to otherwise act as federal law enforcement outside of the jurisdiction of aircraft flight decks.

FFDOs are issued credentials and badges to appropriately identify themselves to law enforcement and security personnel. FFDOs are issued firearms and other necessary equipment by the Federal Air Marshal Service. They are also authorized to transport secured firearms in any state for a flight on which they are flying to or from as approved by the Federal Air Marshal Service as necessary for their participation and activities in the program.

State Fiscal Effect: The Department of State Police (DSP) advises that there will be few additional handgun permit applications as a result of this bill. DSP indicates that, under the Secretary's authority to limit circumstances under which a permit is valid, a handgun permit issued under this bill would only allow the covered persons to transport their weapon (hidden and loaded on their person) between the cockpit of an airplane and their residence/hotel. They will not be allowed to otherwise carry a loaded handgun in public.

Additional Information

Prior Introductions: None.

Cross File: HB 682 (Delegate Schuh, *et al.*) - Judiciary.

Information Source(s): Department of State Police, Maryland Department of Transportation, (Maryland Aviation Administration), Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2009
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