

HOUSE BILL 893

D4
HB 359/09 – JUD

0lr1153

By: **Delegates McComas, Bartlett, Bates, Beitzel, Boteler, Carter, Dwyer, Eckardt, Elmore, Frank, George, Impallaria, Jennings, Kelly, Kipke, Krebs, McConkey, McDonough, Myers, Norman, Schuh, Schuler, Serafini, Shewell, Smigiel, Sossi, Stocksdales, and Stull**

Introduced and read first time: February 10, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Victims of Domestic Violence**

3 FOR the purpose of authorizing the Secretary of State Police, in determining whether
4 a handgun permit is necessary as a reasonable precaution against apprehended
5 danger, to consider whether the applicant is a certain person for whose benefit a
6 court has issued a final protective order under the domestic violence law;
7 making a certain stylistic change; and generally relating to the issuance of
8 handgun permits by the Secretary of State Police.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 5–301(a) and (d)
12 Annotated Code of Maryland
13 (2003 Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 5–306
17 Annotated Code of Maryland
18 (2003 Volume and 2009 Supplement)

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

21 **Article – Public Safety**

22 5–301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 5–306.

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

8 (1) is an adult;

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

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

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

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

18 (5) based on an investigation:

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

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

25 (B) IN DETERMINING WHETHER A PERMIT IS NECESSARY AS A
26 REASONABLE PRECAUTION AGAINST APPREHENDED DANGER FOR PURPOSES OF
27 SUBSECTION (A)(5)(II) OF THIS SECTION, THE SECRETARY MAY CONSIDER
28 WHETHER THE APPLICANT IS A PERSON ELIGIBLE FOR RELIEF FOR WHOSE
29 BENEFIT A COURT HAS ISSUED A FINAL PROTECTIVE ORDER UNDER TITLE 4,
30 SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

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

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

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

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

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

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

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.