

HOUSE BILL 430

E4
HB 470/09 – JUD

2lr0991

By: **Delegates Schuh, Costa, Dwyer, George, Kipke, McConkey, and Vitale**
Introduced and read first time: February 1, 2012
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Repeal of Finding Requirement**
3 **(Better Maryland – Right of Self Defense)**

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

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 5–306
11 Annotated Code of Maryland
12 (2003 Volume and 2011 Supplement)

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

15 **Article – Public Safety**

16 5–306.

17 (a) Subject to subsection (b) of this section, the Secretary shall issue a permit
18 within a reasonable time to a person who the Secretary finds:

19 (1) is an adult;

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (5) based on an investigation[:

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

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

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

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

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

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

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.