

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 514

(Senator Shank)

Judicial Proceedings

Judiciary

Public Safety - Law Enforcement Handgun Disposal - Deceased Officers

This bill authorizes a law enforcement agency to transfer the handgun of a deceased law enforcement officer to the next of kin if the officer is killed or dies in the performance of duty. This transfer is contingent upon all firearms application requirements being met.

Fiscal Summary

State Effect: Allowing a State law enforcement agency to transfer the handgun of a deceased officer, as specified, rather than sell or destroy the handgun will not significantly affect the operations or finances of any State law enforcement agency.

Local Effect: Allowing a local law enforcement agency to transfer the handgun of a deceased officer, as specified, rather than sell or destroy the handgun will not significantly affect the operations or finances of any local law enforcement agency.

Small Business Effect: None.

Analysis

Current Law: A law enforcement agency seeking to dispose of a handgun owned by the agency must:

- destroy the handgun;
- sell, exchange, or transfer the handgun to another law enforcement agency for official use by that agency;
- sell the handgun to a retired police employee;

- sell the handgun to the law enforcement officer to whom the handgun was assigned; or
- sell, exchange, or transfer the handgun to a manufacturer.

To be issued a permit to carry 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 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 for initial applications and renewals. The fees do not apply 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 a county or municipal corporation of the State.

Background: Officer Christopher Nicholson of the Smithsburg Police Department (located in Washington County) was killed in the line of duty on December 19, 2007. The father of Officer Nicholson has requested to have Officer Nicholson’s service weapon transferred to him so that it can be maintained as part of his son’s legacy. The family of Officer Nicholson has indicated that the weapon will be maintained in a display case with other items to be viewed by any and all members of the family and future generations. The Smithsburg Police Department is in favor of the transfer, but current law does not allow it.

Additional Information

Prior Introductions: None.

Cross File: Although identified as a cross file, HB 396 is not identical to this bill.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2012
mlm/hlb Revised - Senate Third Reader - March 24, 2012
Revised - Enrolled Bill - May 9, 2012

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