

HOUSE BILL 38

E4

3lr0651

(PRE-FILED)

By: **Delegate Smigiel**

Requested: October 25, 2012

Introduced and read first time: January 9, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Applicant Qualifications**

3 FOR the purpose of altering a certain list of criteria, a finding of which requires the
4 Secretary of State Police to issue a certain handgun permit to a person, to
5 include a finding that the person has demonstrated competence with a handgun
6 by presenting certain evidence; repealing the requirement that the Secretary
7 find that a person has a good and substantial reason to wear, carry, or transport
8 a handgun before issuing a handgun permit to the person; and generally
9 relating to the issuing of permits to wear, carry, or transport a handgun.

10 BY repealing and reenacting, with amendments,
11 Article – Public Safety
12 Section 5–306
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2012 Supplement)

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

17 **Article – Public Safety**

18 5–306.

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

21 (1) is an adult;

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 **(5) HAS DEMONSTRATED COMPETENCE WITH A HANDGUN BY**
9 **PRESENTING EVIDENCE OF:**

10 **(I) PARTICIPATION IN AN ORGANIZED SHOOTING**
11 **COMPETITION APPROVED BY THE DEPARTMENT OF STATE POLICE;**

12 **(II) CURRENT MEMBERSHIP IN OR AN HONORABLE**
13 **DISCHARGE FROM THE ARMED FORCES OF THE UNITED STATES OR THE**
14 **NATIONAL GUARD;**

15 **(III) CURRENT EMPLOYMENT WITH OR RETIREMENT FROM A**
16 **LOCAL, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY;**

17 **(IV) COMPLETION OF A HUNTER SAFETY COURSE**
18 **RECOGNIZED BY ANY STATE;**

19 **(V) COMPLETION OF A FIREARMS SAFETY TRAINING**
20 **COURSE APPROVED BY THE MARYLAND POLICE TRAINING COMMISSION OR A**
21 **SIMILAR AGENCY OF ANOTHER STATE;**

22 **(VI) COMPLETION OF A FIREARMS SAFETY TRAINING**
23 **COURSE APPROVED BY A NATIONALLY RECOGNIZED TRAINING ORGANIZATION;**

24 **(VII) COMPLETION OF A FIREARMS SAFETY TRAINING**
25 **COURSE OFFERED BY A LAW ENFORCEMENT AGENCY, HIGHER EDUCATION**
26 **INSTITUTION, OR PUBLIC OR PRIVATE INSTITUTION THAT USES INSTRUCTORS**
27 **CERTIFIED BY THE NATIONAL RIFLE ASSOCIATION TO TEACH THE COURSE;**

28 **(VIII) POSSESSION OF A VALID OUT-OF-STATE PERMIT TO**
29 **CARRY A CONCEALED HANDGUN FOR WHICH THE APPLICANT HAD TO COMPLETE**
30 **A FIREARMS SAFETY TRAINING COURSE;**

1 **(IX) CURRENT OR FORMER POSSESSION OF A PERMIT TO**
2 **CARRY, WEAR, OR TRANSPORT A HANDGUN ISSUED UNDER THIS SUBTITLE,**
3 **UNLESS THE PERMIT WAS REVOKED UNDER § 5-310 OF THIS SUBTITLE; OR**

4 **(X) POSSESSION OF A STATE QUALIFIED HANDGUN**
5 **INSTRUCTOR CERTIFICATION ISSUED BY THE DEPARTMENT OF STATE POLICE;**
6 **AND**

7 **[(5)] (6)** based on an investigation[:

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

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

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

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2013.