

HOUSE BILL 894

E4

3lr2881

By: **Delegates Rosenberg and Simmons**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Dealer’s License and Handgun Permit Application Fees**

3 FOR the purpose of altering certain fees paid by applicants for regulated firearms
4 dealers’ licenses and handgun permits; requiring the Secretary of State Police to
5 use a certain amount of certain fees to support certain continuing education and
6 crisis intervention teams in local jurisdictions; and generally relating to fees for
7 regulated firearms dealer’s licenses and handgun permits.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 2–204, 5–107, and 5–304
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2012 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 2–204.

17 (a) The Secretary and deputy secretary have throughout the State the same
18 powers, privileges, immunities, and defenses as sheriffs, constables, police officers, and
19 other peace officers possessed at common law and may now or in the future exercise
20 within their respective jurisdictions.

21 (b) In addition to any powers set forth elsewhere, the Secretary may:

22 (1) establish the organization of the Department;

23 (2) create units in the Department;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) define the functions, duties, and responsibilities of each unit in the
2 Department;

3 (4) redefine periodically the functions, duties, and responsibilities of
4 any unit in the Department, whether created by the Secretary or by law;

5 (5) assign and reassign employees of the Department to the duties,
6 units, and regional facilities of the Department as the Secretary considers necessary to
7 serve the needs of the Department and the public;

8 (6) establish standards, qualifications, and prerequisites of character,
9 training, education, and experience for employees of the Department;

10 (7) establish ranks and grades and, in accordance with Title 6,
11 Subtitle 4 of the State Personnel and Pensions Article, civilian classifications as the
12 Secretary considers necessary and appropriate;

13 (8) designate the authority, responsibility, and duties of ranks, grades,
14 and civilian classifications and the order of succession to positions of command within
15 the Department;

16 (9) appoint, promote, reduce in rank or civilian classification, reassign,
17 reclassify, retire, and discharge any employee of the Department in the manner
18 required by law;

19 (10) regulate attendance, conduct, training, discipline, and procedure
20 for employees of the Department;

21 (11) provide systems for periodic evaluation and improvement of the
22 performance and physical condition of employees of the Department, including
23 in-service training programs and courses;

24 (12) establish headquarters, barracks, posts, commands, and other
25 regional facilities in localities as necessary for the efficient performance of the duties
26 of the Department;

27 (13) close headquarters, barracks, posts, commands, and other regional
28 facilities when their need ceases to exist;

29 (14) purchase or otherwise acquire the land, facilities, equipment, or
30 services as are considered essential for the needs of the Department or its employees
31 in carrying out their duties, in the manner required by law;

32 (15) sell or dispose of land, facilities, or equipment as they become
33 unnecessary or unfit for further use, in the manner required by law;

1 (16) establish and modify systems for receiving, processing, and
2 maintaining:

3 (i) reports and records of occurrences or alleged occurrences of
4 crime and motor vehicle accidents in the State; and

5 (ii) reports and records of the administration, management, and
6 operations of the Department; and

7 (17) establish procedures for safekeeping, copying, and destroying
8 records of the Department.

9 (C) THE SECRETARY SHALL USE \$2 FROM EACH FEE COLLECTED
10 UNDER §§ 5-107(A)(1)(II) AND 5-304(B)(2)(I) OF THIS ARTICLE TO SUPPORT:

11 (1) CONTINUING EDUCATION PROGRAMS FOR LAW
12 ENFORCEMENT OFFICERS AND HEALTH CARE PROFESSIONALS RELATING TO
13 THE REGULATION OF FIREARM POSSESSION BY AN INDIVIDUAL IDENTIFIED AS A
14 DANGER TO SELF OR OTHERS; AND

15 (2) CRISIS INTERVENTION TEAMS IN LOCAL JURISDICTIONS.

16 [(c)] (D) The Secretary may not exercise or perform the powers, duties,
17 responsibilities, and functions set forth in §§ 6-301, 6-302, and 6-501 of this article.
18 5-107.

19 (a) (1) An applicant for a dealer's license shall:

20 (i) submit to the Secretary an application on the form that the
21 Secretary provides; and

22 (ii) pay to the Secretary an application fee of [\$50] \$52, payable
23 to the Comptroller.

24 (2) A refund or proration of the application fee is prohibited.

25 (b) An application for a dealer's license shall contain:

26 (1) the applicant's name, address, Social Security number, place and
27 date of birth, height, weight, race, eye and hair color, and signature;

28 (2) a clear and recognizable photograph of the applicant, unless the
29 photograph has been submitted with a prior year's application;

1 (3) a set of the applicant's fingerprints, unless the fingerprints have
2 been submitted with a prior year's application; and

3 (4) a statement by the applicant that the applicant:

4 (i) is a citizen of the United States;

5 (ii) is at least 21 years old;

6 (iii) has never been convicted of a disqualifying crime;

7 (iv) has never been convicted of a violation classified as a
8 common law crime and received a term of imprisonment of more than 2 years;

9 (v) is not a fugitive from justice;

10 (vi) is not a habitual drunkard;

11 (vii) is not addicted to a controlled dangerous substance or is not
12 a habitual user; and

13 (viii) has never spent more than 30 consecutive days in a medical
14 institution for treatment of a mental disorder, unless a physician's certificate issued
15 within 30 days before the date of application is attached to the application, certifying
16 that the applicant is capable of possessing a regulated firearm without undue danger
17 to the applicant or to another.

18 (c) Each application for a dealer's license shall contain the following
19 statement: "Any false information supplied or statement made in this application is a
20 crime which may be punished by imprisonment for a period of not more than 3 years,
21 or a fine of not more than \$5,000 or both."

22 (d) If an applicant is a corporation, a corporate officer who is a resident of the
23 State shall complete and execute the application.

24 5-304.

25 (a) An application for a permit shall be made under oath.

26 (b) (1) Subject to subsections (c) and (d) of this section, the Secretary may
27 charge a nonrefundable fee payable when an application is filed for a permit.

28 (2) The fee may not exceed:

29 (i) ~~[\$75]~~ **\$77** for an initial application;

30 (ii) \$50 for a renewal or subsequent application; and

1 (iii) \$10 for a duplicate or modified permit.

2 (3) The fees under this subsection are in addition to the fees
3 authorized under § 5–305 of this subtitle.

4 (c) The Secretary may reduce the fee under subsection (b) of this section
5 accordingly for a permit that is granted for one day only and at one place only.

6 (d) The Secretary may not charge a fee under subsection (b) of this section to:

7 (1) a State, county, or municipal public safety employee who is
8 required to carry, wear, or transport a handgun as a condition of governmental
9 employment; or

10 (2) a retired law enforcement officer of the State or a county or
11 municipal corporation of the State.

12 (e) The applicant may pay a fee under this section by a personal check,
13 business check, certified check, or money order.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.