Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 21   (Delegate Schulz)

Judiciary

Public Safety - Handgun Qualification License - Qualified Handgun Instructors and Permit Holders

This bill establishes that certain provisions relating to a handgun qualification license (HQL) do not apply to a qualified handgun instructor and that a person may purchase, rent, or receive a handgun without an HQL if the person is a qualified handgun instructor and is not otherwise prohibited from purchasing or possessing a handgun under State or federal law. The bill also *requires*, rather than *authorizes*, the Secretary of State Police to issue an HQL without an additional application or fee to a person who meets the requirements for a handgun permit.

Fiscal Summary

State Effect: The bill's changes can be accommodated with the existing budgeted resources of the Department of State Police (DSP). The bill's impact on general fund revenues from the issuance of HQLs or handgun permits is expected to be negligible.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law:

Handgun Qualification Licenses

Chapter 427 of 2013 (the Firearm Safety Act of 2013) created a new licensing scheme for handguns under the licensing authority of DSP. An HQL authorizes a person to purchase, rent, or receive a handgun. A licensed firearms manufacturer, a specified active or retired law enforcement officer, a member or retired member of the U.S. Armed Forces or the National Guard, and a person purchasing, renting, or receiving an antique, curio, or relic firearm (as defined under federal law) are exempt from the requirements of the licensing provisions.

The Secretary of State Police is required to apply for a State and national criminal history records check for each applicant. As part of the application for a criminal history records check, the Secretary must submit one complete set of fingerprints of the applicant.

The application fee for an HQL is to cover administrative costs and may be up to $50. The term of the license is 10 years. License renewal fees are set at up to $20. The Act delineates the identifying information and documentation that are required for the issuance of the license. Among other things, the application must also have a signed statement from the applicant, under penalty of perjury, that the applicant is not prohibited under federal or State law from possessing a handgun. The applicant must also show proof of completion of an approved firearms safety training course, as specified. An applicant is not required to complete an approved firearms safety training course if the applicant has previously completed a certified firearms training course, has completed a hunting safety course prescribed by the Department of Natural Resources, is currently a qualified handgun instructor, is an honorably discharged member of the U.S. Armed Forces or the National Guard, is a certain employee of an armored car company, or lawfully owns a regulated firearm. Renewal applicants are not required to complete the firearms safety training course or submit to a State and national criminal history records check.

The Secretary may issue an HQL without an additional application or fee to a person who meets the requirements for the issuance of a handgun permit who does not already have an HQL.

Handgun Permits

Generally, with certain exceptions, 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. The Secretary may limit the geographic area; circumstances; or times of day, week, month, or year in which a permit is effective.

A handgun permit application costs $75; two years after the initial permit and every three years thereafter, a $50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for initial applications and renewals.

Chapter 427 requires a handgun permit applicant to successfully complete prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm.

Background: From the October 1, 2013 effective date of the Firearm Safety Act of 2013 through calendar 2014, DSP received 21,081 applications for an HQL.

Additional Information

Prior Introductions: HB 716 of 2014 received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - February 28, 2015

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510