

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 772
Judiciary

(Delegate Buckel, *et al.*)

Public Safety - Firearms Safety Training Course - Repeal

This bill repeals a requirement that a person complete a firearms safety training course in order to be issued a handgun qualification license or a permit to carry, wear, or transport a handgun. The bill also repeals a prohibition on selling, renting, or transferring a regulated firearm to a person that has not completed a certain firearms safety training course.

Fiscal Summary

State Effect: None. The changes are procedural in nature and do not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: A dealer or other person may not sell, rent, or transfer a regulated firearm to a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable cause to believe:

- is younger than age 21;
- has been convicted of a disqualifying crime;
- has been convicted of a conspiracy to commit a felony;
- has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;

- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;
- suffers from a mental disorder and has a history of violent behavior against the purchaser, lessee, or transferee or another, unless the purchaser, lessee, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;
- has been confined for more than 30 consecutive days to a mental health facility, unless the purchaser, lessee, or transferee possesses a physician's certificate that the recipient is capable of possessing a regulated firearm without undue danger to the purchaser, lessee, or transferee or to another;
- is a respondent against whom a current non *ex parte* civil protective order has been entered;
- if younger than age 30 at the time of the transaction, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult;
- is visibly under the influence of alcohol or drugs;
- is a participant in a straw purchase; or
- subject to a certain exception for a transaction made on or after January 1, 2002, has not completed a certified firearms safety training course conducted free of charge by the Police Training Commission or that meets standards established by the Police Training Commission.

A person is not required to complete a certified firearms safety training course prior to the sale, rental, or transfer of a regulated firearm if the person (1) has already completed a certified firearms safety training course; (2) is a law enforcement officer of the State or any local law enforcement agency in the State; (3) is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard; (4) is a member of an organization that is required by federal law governing its specific business or activity to maintain handguns and applicable ammunition; or (5) has been issued a Maryland handgun carry permit.

The Firearm Safety Act of 2013 (Chapter 427) modified and expanded the regulation of firearms, firearms dealers, and ammunition in Maryland and made changes to related mental health restrictions on the possession of firearms. Under the Act, a new licensing scheme was established for handguns. A "handgun qualification license" authorizes a person to purchase, rent, or receive a handgun. Certain persons are exempt from this provision. The Secretary of State Police is required to apply for a fingerprint based State and national criminal history records check on behalf of each handgun purchase applicant. Written approval or denial of an application by the State Police must be made within

30 days. The application fee for a license may be up to \$50, and the term of the license is 10 years. License renewal fees may not exceed \$20. Among other requirements, unless exempt, an applicant must show proof of completion of an approved firearms safety training course. Renewal applicants are not required to complete the firearms safety training course or submit to a criminal history records check.

Generally, with certain exceptions, to be issued a permit to wear, carry, or transport 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. A permit expires on the last day of the holder’s birth month following two years after the date the permit is issued. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of State Police, Department of Public Safety and Correctional Services, Department of Legislative Services

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