

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 407

(Senator Brochin, *et al.*)

Judicial Proceedings

Public Safety - Handgun Permits

This bill requires the Secretary of State Police to issue a handgun permit within 120 days after receipt of an application by a qualified person, rather than within *a reasonable time*. In addition, the bill requires the Secretary to provide written notification of a permit approval or denial to each permit applicant within 120 days of receipt of the application for the permit. For each application that is denied, the Secretary is required to provide the reason for the denial in that notification.

Fiscal Summary

State Effect: The Department of State Police (DSP) can handle the bill's requirements with existing budgeted resources. On average, a handgun permit is issued by DSP 90 days after receipt of an application.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: 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. The permit must be issued within a reasonable time to a person found qualified to have the permit.

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 of 2013 (the Firearm Safety Act of 2013) 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.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

Chapter 427 also created a new licensing scheme for handguns under the authority of DSP. A handgun qualification license (HQL) authorizes a person to purchase, rent, or receive a handgun. Some entities are exempt from the licensing requirement.

Background: There are about 14,000 active handgun permits in Maryland. From 2012 through 2014, DSP received between 2,000 and 2,800 new permit applications annually and between 2,700 and 3,500 renewal applications annually. It generally takes less than two days to receive the results of a national criminal history records check from the Federal Bureau of Investigation and approximately 90 days to process, investigate, and issue a permit. DSP has denied an average of less than 6% of nonpolice-related applications annually, on the basis of a finding that the person did not have a “good and substantial reason” for the permit.

Nationally, states’ laws and requirements governing carry and concealed carry permits vary. According to a July 2012 report by the U.S. Government Accountability Office, the number of states allowing concealed carry permits is increasing, and states broadly differ in eligibility requirements. For example, until 2011, Wisconsin did not issue carry permits. In that year, Wisconsin became a shall-issue state and 65,921 permit applications were received in the first two months. For calendar 2012, the first full year of operation, Wisconsin received an additional 98,867 applications. For the succeeding years, Wisconsin received 68,759 applications in 2013 and 37,550 additional applications in 2014. By population, Maryland and Wisconsin are similar.

The fiscal 2014 budget included \$4.2 million to implement Chapter 427 and cover related costs, which included 35 new positions, contractual services, and supplies and materials. The fiscal 2015 budget carried over costs for the 35 new positions and 31 contractual employees. The Governor’s proposed fiscal 2016 budget continues funding for all of these positions. DSP also received a \$400,000 general fund deficiency appropriation in fiscal 2013 and \$450,000 in general funds in the fiscal 2014 budget to automate and streamline the current and new firearm application processes. The anticipated completion date for an Automated Licensing and Registration Tracking System is June 2017. Automation for HQLs began in October 2013.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 10, 2015

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