

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 312
Judiciary

(Delegate Saab, *et al.*)

Judicial Proceedings

Public Safety - Renewal of Handgun Permits - Fingerprinting

This bill specifies that a person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary of State Police requires a set of the person's fingerprints to resolve a question of the person's identity.

Fiscal Summary

State Effect: None. The bill's changes are procedural in nature and do not materially affect overall State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, with certain exceptions, to be issued a permit to carry, wear, 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) 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; (4) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) if younger than age 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; and (7) 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.

The Secretary may not charge a fee to (1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment or (2) a retired law enforcement officer of the State or a county or a municipal corporation of the State. A handgun permit expires on the last day of the holder’s birth month following two years from the date of issuance.

Each individual subject to a criminal history records check (CHRC) is required to pay \$52.75 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$14.75 FBI fee, and an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Additional Information

Prior Introductions: HB 1024 of 2015 received a hearing in the House Judiciary Committee, but no further action was taken on the bill.

Cross File: SB 208 (Senator Hough, *et al.*) - Judicial Proceedings.

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

Fiscal Note History: First Reader - March 7, 2016
min/lgc

Analysis by: Shirleen M. E.
Pilgrim

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