

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 184
Judiciary

(Delegate Dumais)

Judicial Proceedings

Public Safety - Firearm Application

This bill requires that a firearm application contain an applicant's handgun qualification license (HQL) number instead of a copy of the HQL. The bill also clarifies that the requirement does not apply if the applicant is not required to obtain an HQL.

Fiscal Summary

State Effect: The bill's change is procedural and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal or none.

Analysis

Current Law:

Handgun Qualification License

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 must 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. Generally, the Secretary of State Police must issue an HQL to a person who (1) is at least 21 years old; (2) is a State resident; (3) has completed a firearms safety training course; and (4) is not prohibited by federal or State law from purchasing or possessing a handgun.

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.

Within 30 days after receiving a properly completed HQL application, the Secretary must provide (1) an HQL, if approved, or (2) a written denial of the application including the reason the application was denied and a statement of the applicant's appeal rights regarding the decision.

Firearm Application

A person must submit a firearm application before the person purchases, rents, or transfers a regulated firearm. A firearm applicant must submit a firearm application to a licensed dealer or designated law enforcement agency and pay the required \$10 application fee. A firearm application must contain (1) the firearm applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver's or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred; (2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and (3) a copy of the applicant's HQL. In addition, a firearm application must contain a statement by the firearm applicant under the penalty of perjury that the firearm applicant:

- is at least age 21;
- has never been convicted of a disqualifying crime;
- has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;
- is not a fugitive from justice or a habitual drunkard;
- is not addicted to a controlled dangerous substance or is not a habitual user;
- does not suffer from a mental disorder and have a history of violent behavior against the firearm applicant or another;

- has never been found incompetent to stand trial or not criminally responsible;
- has never been voluntarily admitted for more than 30 consecutive days to a facility;
- has never been involuntarily committed to a facility;
- is not under the protection of a guardian appointed by a court, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is not a respondent against whom a current non ex parte civil protective order has been entered or an order for protection has been issued by a court of another state or a Native American tribe and is in effect; and
- if younger than age 30 at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

On receipt of a firearm application, the Secretary of State Police must conduct an investigation to determine the truth or falsity of the information supplied and statements made in the firearm application. In conducting an investigation, the Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force.

The Secretary must disapprove a firearm application if:

- the Secretary determines that the firearm applicant supplied false information or made a false statement;
- the Secretary determines that the firearm application is not properly completed; or
- the Secretary receives written notification from the firearm applicant's licensed attending physician that the firearm applicant suffers from a mental disorder and is a danger to the firearm applicant or to another.

If the Secretary disapproves a firearm application, the Secretary must notify the prospective seller, lessor, or transferor in writing of the disapproval within seven days after the date that the executed firearm application is forwarded to the Secretary. After notifying the prospective seller, lessor, or transferor, the Secretary must notify the prospective purchaser, lessee, or transferee in writing of the disapproval.

Additional Information

Prior Introductions: None.

Cross File: None.

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