

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1326
Judiciary

(Delegate S. Howard, *et al.*)

Public Safety - Handgun Permits - Application Report

This bill requires the Department of State Police (DSP) to report twice each year to the General Assembly on the numbers of applications for a permit to carry, wear, or transport a handgun received and processed by the department during specified reporting periods.

Fiscal Summary

State Effect: DSP can handle the bill's reporting requirements with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The reports must be submitted by March 1, annually, for the reporting period of July 1 through December 31, inclusive, of the previous year, and by September 1, annually, for the reporting period of January 1 through June 30, inclusive, of the previous year.

Each report must include an analysis, organized by original applications, renewal applications, and applications for modification, of:

- the number of permits approved and denied;
- the reasons for the approval or denial of each permit; and

- the number of applications for which a decision was not reached within 30 days after receipt of the application.

Each report must also include an accounting of all permit application fees collected by DSP during the reporting period.

Current Law: A person must have a permit issued by the Secretary of the State Police in order to wear, carry, or transport a handgun. 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 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. 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.

A handgun permit applicant must 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.

Background: There are about 16,000 active handgun permits in Maryland. From 2013 through 2015, DSP received between 2,000 and 2,900 new permit applications annually and between 3,300 and 4,300 renewal applications annually, as shown in **Exhibit 1**.

Exhibit 1
Handgun Permit Applications
Calendar 2013-2015

	<u>2013</u>	<u>2014</u>	<u>2015</u>
Initial Applications	2,522	2,024	2,811
Renewal Applications	3,366	3,572	4,226
Denials	378	213	201

Source: Department of State Police

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 10% 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.

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 11, 2016
min/lgc

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