

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1207

(Delegate McKay, *et al.*)

Judiciary

Public Safety - Handgun Permits - Correctional Officer

This bill establishes a presumption that an applicant for a permit to wear, carry, or transport a handgun has a good and substantial reason for issuance of the permit if the applicant is an active certified “correctional officer.”

Fiscal Summary

State Effect: General fund revenues increase by \$75,000 in FY 2017 from the issuance of additional handgun permits and the payment of associated fees. Future years reflect the licensure issuance and renewal cycle; future years also reflect a decrease in new permit applications and renewals over time. The Department of State Police (DSP) can handle the bill’s changes with existing budgeted resources.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
GF Revenue	\$75,000	\$37,500	\$78,800	\$70,500	\$62,700
Expenditure	0	0	0	0	0
Net Effect	\$75,000	\$37,500	\$78,800	\$70,500	\$62,700

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: “Correctional officer” means a member of a correctional unit whose duties relate to the investigation, care, custody, control, or supervision of inmates and individuals who have been placed on parole or mandatory supervision, have been placed on probation,

or have received a suspended sentence. “Correctional officer” does not include the head or deputy head of a correctional unit, or a sheriff, warden, or superintendent or an individual with an equivalent title who is appointed or employed by a unit of government to exercise equivalent supervisory authority.

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 a 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 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. 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.

State Fiscal Effect: The Department of Public Safety and Correctional Services (DPSCS) advises that there are approximately 8,000 correctional officers employed by DPSCS. Of the 8,000, approximately 2,300 receive weapons training as a condition of employment. Correctional officers must participate in specialized training and be assigned to special units within DPSCS in order to carry a weapon outside of a State correctional facility. No weapons may be worn inside of a State correctional facility on a normal basis. Of the remaining correctional officers who do not already have a handgun permit through employment, it is not likely that all apply for a handgun permit under the bill's authorization.

Assuming 1,000 correctional officers apply for a handgun permit under the bill, general fund revenues increase by \$75,000 in fiscal 2017. By fiscal 2021, the increase in general fund revenues for initial applications and renewals decreases to \$62,700; this estimate assumes that initial handgun permit applications decline by at least 50% after the first year and approximately 10% annually thereafter and that the total number of permits renewed decreases by 10% annually. **Exhibit 1** shows the estimated increase in general fund revenues from additional handgun permit fees through fiscal 2021.

Exhibit 1
Estimated Handgun Permit Fee Revenue under the Bill

	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
New Apps.	1,000	500	450	400	350
Fee Revenue	\$75,000	\$37,500	\$33,750	\$30,000	\$26,250
Renewals	-	-	900	810	729
Fee Revenue	-	-	\$45,000	40,500	\$36,450
Total Revenue	\$75,000	\$37,500	\$78,750	\$70,500	\$62,700

Source: Department of Legislative Services

DSP can process the additional handgun permit applications and associated renewals with existing resources.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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kb/lgc

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