

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 769
Judiciary

(Delegate McComas, *et al.*)

Public Safety - Handgun Permit - Temporary Training Waiver

This bill authorizes the Secretary of State Police to temporarily waive the requirement to complete a firearms training course pursuant to the issuance of a handgun permit, upon making a determination that an applicant has demonstrated evidence of imminent danger to the applicant. A permit issued under the bill must require the applicant to complete the training course within 60 days after the issuance of the permit.

Fiscal Summary

State Effect: None. The Department of State Police (DSP) can implement the bill with existing budgeted resources. Because the bill does not alter any of the other requirements for the issuance of a handgun permit, and because the waiver authorization is temporary, this analysis assumes that the number of handgun permits issued each year is not materially affected.

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 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.

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 authorizes a person to purchase, rent, or receive a handgun. Some entities are exempt from the licensing requirement.

Background: There are about 16,000 active handgun permits in Maryland.

Although the circumstances under which DSP may make a determination that a handgun permit applicant is in imminent danger are not specified in the bill, it is likely that requests for such waivers are made in connection with domestic violence cases.

According to the *2014 Uniform Crime Report*, 27,242 domestic violence crimes were reported in Maryland. Assault was by far the most frequently reported crime, with 24,485 incidents in calendar 2014. Of reported assaults, simple assaults comprised 19,697 incidents. There were 67 domestic violence homicides.

In fiscal 2014 (the latest information readily available), the circuit courts granted 1,795 temporary protective orders and 1,287 final protective orders. In fiscal 2015, the District Court granted 10,598 interim protective orders, 14,732 temporary protective orders, and 6,832 final protective orders. In the same year, the District Court granted 7,400 interim peace orders, 15,961 temporary peace orders, and 6,237 final peace orders.

Additional Information

Prior Introductions: SB 781 of 2015 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on the bill.

Cross File: SB 214 (Senator Norman, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of State Police, Department of Legislative Services

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