

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 820
Judiciary

(Delegate Rey, *et al.*)

Handgun Permits - Universal Recognition

This bill specifies that a permit issued in Delaware; Pennsylvania; Virginia; Washington, DC; or West Virginia to an individual to carry a handgun is valid in Maryland.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: The extent to which the bill may affect State finances cannot be reliably estimated at this time, as discussed below. However, the bill has an impact on the operations of the Department of State Police (DSP). DSP advises that it cannot verify the validity of an out-of-state handgun permit.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: Federal law does not regulate the carrying of firearms. All 50 states and the District of Columbia allow the carrying of firearms to some extent. Details of laws authorizing a person to carry a weapon vary greatly among jurisdictions, but most approaches fall into two categories. One of these categories is a discretionary system called “may issue” licensing, where legal authorities grant licenses only to those citizens who can establish a compelling need for carrying a handgun. The other system is a nondiscretionary one called “shall issue” licensing. Under this system, legal authorities must provide a license to any applicant who meets specific criteria.

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.

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 \$50.00 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$12 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.

Maryland’s permit to carry a handgun does not extend to all regulated firearms. A “regulated firearm” means a handgun or any one of 45 specific assault weapons, or their copies, regardless of which company produced and manufactured the weapon.

Chapter 427 of 2013 (the Firearm Safety Act of 2013) created a new licensing scheme for handguns under the licensing authority of DSP. DSP has adopted regulations to implement the Act's provisions related to this license. A "handgun qualification license" (HQL) authorizes a person to purchase, rent, or receive a handgun. The Secretary of State Police is required to apply for a State and national CHRC for each applicant. As part of the application for a CHRC, the Secretary must submit one complete set of fingerprints of the applicant. In 2016, DSP received 28,039 applications for an HQL.

The number of states allowing carry permits is increasing, and states broadly differ in eligibility requirements and the extent to which reciprocity agreements are applied or recognized. Some agreements apply to firearms in general, while others apply to certain types of weapons (such as handguns or pistols). Some permits allow for concealed carry and others require that the firearm is carried openly. An interactive map of each state's reciprocity provisions can be found on the handgunlaw.us website.

In 2016, DSP received 3,965 new applications for a handgun permit and 4,210 handgun permit renewal applications. There are currently approximately 17,800 active handgun permits in the State.

State Fiscal Effect: DSP reports that it does not have the ability to confirm the validity of a handgun permit from any of the states outlined in the bill. Thus, it is unclear how DSP can implement the reciprocity provisions established under the bill. However, to the extent that a person issued a handgun permit in another state would have applied for a permit in Maryland, but does not need to do so because of the bill, general fund revenues decrease by \$75 for each new application that otherwise would have been submitted and by \$50 for each renewal that otherwise would have been submitted. On the other hand, to the extent other states offer reciprocity with Maryland as a result of the bill, some people who otherwise would have applied for a permit in those states may choose to do so in Maryland; to the extent this happens, general fund revenues from permit applications and renewals increase. The overall impact on State finances is unknown.

Additional Information

Prior Introductions: HB 369 of 2016 received a hearing in the House Judiciary Committee, but no further action was taken. Its cross file, SB 403, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. SB 454 of 2015, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 464, received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: Although not designated as a cross file, SB 160 (Senator Waugh – Judicial Proceedings) is identical except for the title.

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

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mm/lgc

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