

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 1180  
Rules

(Senator Madaleno, *et al.*)

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**Public Safety - Handgun Permit Review Board - Repeal**

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This bill repeals the Handgun Permit Review Board in the Department of Public Safety and Correctional Services (DPSCS). A person who is denied a permit to wear, carry, or transport a handgun, or a renewal of such a permit, or whose permit is revoked or issued with restrictions by the Secretary of State Police, may appeal the decision to the Office of Administrative Hearings (OAH) instead of the board. A person who is denied renewal of a permit or whose permit is revoked or issued with restrictions by the Secretary may also appeal the decision to OAH instead of the board. In addition, a person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submission of the application may request a hearing before OAH (instead of the board) by filing a written request with the Secretary (instead of the board).

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**Fiscal Summary**

**State Effect:** General fund expenditures decrease minimally for DPSCS due to the repeal of the board, as DPSCS no longer has to provide administrative support for the board, provide space to accommodate hearings, and pay stipends/expenses to board members. OAH and the Department of State Police can implement the bill with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

### Current Law:

#### *Appeal Process*

*Informal Review by Secretary of State Police:* A person who is denied a permit to carry, wear, or transport a handgun, or a renewal of such a permit, or whose permit is revoked or issued with restrictions by the Secretary, may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action. The Secretary must conduct the informal review and may conduct a personal interview with the person requesting the review. The Secretary must sustain, reverse, or modify the action under informal review and provide written notification within 30 days after receipt of the request for informal review. A person is not required to file a request for an informal review before requesting review by the board.

*Review by Handgun Permit Review Board:* A person whose application for a handgun permit or a renewal of a permit has been rejected, or whose permit has been revoked or limited by the Secretary, may request the board to review the decision of the Secretary by filing a written request within 10 days after receipt of written notice of the Secretary's action. In addition, a person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submission may request a hearing before the board by filing a written request with the board.

Within 90 days after receiving a request for a review of the Secretary's action, the board must review the record developed by the Secretary or conduct a hearing. The board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary. Based on the board's consideration of the record and any additional evidence, the board must sustain, reverse, or modify the Secretary's decision. The decision of the board is not final until a written signed decision is sent to the applicant or holder of the permit; however, if the board is unable to reach a decision by majority vote, the decision of the Secretary stands.

#### *Handgun Permit Review Board*

The board is a State government entity within DPSCS. It was created by Chapter 13 of 1972. The board consists of five members appointed by the Governor from the general public, with advice and consent of the Senate. The Governor designates the chairman. Members serve three-year terms and are eligible for reappointment. Board members are entitled to compensation in accordance with the State budget for each day that they are engaged in the discharge of their duties as well as reimbursement for expenses.

The board must meet at a location accessible to the public and with sufficient frequency to ensure that a request for review and notification of the decision of the board occurs within 120 days of receipt of the request for review by the board. A majority of the board must designate the location, time, and date of meetings.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of State Police; Department of Public Safety and Correctional Services; Office of Administrative Hearings; Department of Legislative Services

**Fiscal Note History:** First Reader - April 10, 2017  
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