

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1522
Judiciary

(Delegate Morgan, *et al.*)

Handgun Permits - Universal Recognition

This bill specifies that a permit issued in Delaware, Pennsylvania, Virginia, West Virginia, or Washington, DC to an individual to carry a handgun is valid in Maryland. **The bill takes effect July 1, 2018.**

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, an applicant for a handgun permit must, among other requirements, 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. Current law requirements and background relating to the issuance of handgun permits is summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

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.

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 validity 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 820 of 2017 received a hearing in the House Judiciary Committee, but no further action was taken. 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: None.

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

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nb/lgc

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Appendix

Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit 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 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.

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 an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. 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.

In 2017, the Department of State Police (DSP) received 4,327 new applications for handgun permits and 4,513 handgun permit renewal applications. DSP denied 411 applications in the same year. There are currently approximately 20,043 active handgun permits in the State. 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.