

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 824
 Judiciary

(Delegate Clippinger, *et al.*)

Judicial Proceedings

Public Safety - Regulated Firearms - Possession and Permits to Carry, Wear, and Transport a Handgun

This bill (1) increases the maximum incarceration penalty for violations of the prohibition against wearing, carrying, or transporting a handgun, as specified; (2) modifies and expands an existing prohibition relating to the possession of a regulated firearm; and (3) modifies and expands the requirements and procedures relating to the issuance and renewal of a permit to carry, wear, and transport a handgun (handgun permit); it also increases the maximum handgun permit fees. In addition, the bill (1) requires the Secretary of State Police, in consultation with other specified State agencies, to develop, publish, update, and distribute a specified curriculum to all State-certified firearms instructors; (2) requires the Department of State Police (DSP) to transmit a summary of new and changed laws relating to firearms to specified e-mail addresses; and (3) establishes various reporting requirements. Specified provisions do not apply to handgun permits issued before October 1, 2023 (the bill’s effective date) until the handgun permit is subject to renewal.

Fiscal Summary

State Effect: *Under one set of assumptions*, general fund revenues from handgun permit fees increase by an estimated \$5.3 million in FY 2024. Future year revenue estimates reflect the permit issuance and renewal cycle and a decrease in new permit applications and renewals over time. General fund expenditures increase by *at least* \$2.4 million in FY 2024; future year expenditures reflect annualization, inflation, and ongoing costs. Minimal increase in general fund revenues and expenditures due to the application of existing penalty provisions and the increase in a maximum incarceration penalty.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
GF Revenue	\$5,294,200	\$7,644,000	\$5,095,800	\$5,353,100	\$4,754,600
GF Expenditure	\$2,402,200	\$2,337,400	\$2,444,500	\$2,553,400	\$2,698,100
Net Effect	\$2,892,000	\$5,306,600	\$2,651,300	\$2,799,600	\$2,056,500

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

Local Effect: Minimal increase in revenues and expenditures due to the application of existing penalty provisions and the increase in a maximum incarceration penalty.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Prohibition on Wearing, Carrying, or Transporting a Firearm

This bill increases the maximum incarceration penalty, from three years to five years, that may be imposed on a violator of the prohibition against wearing, carrying, or transporting a handgun when the person has no prior convictions under §§ 4-203 (wearing, carrying, or transporting a handgun), 4-204 (use of a handgun or antique firearm in the commission of a crime), 4-101 (wearing or carrying dangerous weapons), or 4-102 (deadly weapons on school property) of the Criminal Law Article.

Possession of a Regulated Firearm

Disqualifiers: A person may not possess a regulated firearm if the person is on supervised probation after being convicted of a crime punishable by imprisonment for one year or more, for a violation of § 21-902(b) or (c) of the Transportation Article (driving while under the influence or driving while impaired), or for violating a protective order under § 4-509 of the Family Law Article (failure to comply with interim or final protective order). This provision may not be construed to prohibit possession of a regulated firearm by a person who was not convicted of but received only probation before judgment for an offense listed above.

Permit to Carry, Wear, or Transport a Handgun

Fees: The bill increases the maximum fee for (1) an initial application for a handgun permit (from \$75 to \$125); (2) a renewal or subsequent application for a handgun permit (from \$50 to \$75); and (3) a duplicate or modified handgun permit (from \$10 to \$20).

Qualifications: With exceptions, the bill modifies the qualifications for a handgun permit to require, in addition to current law, that a person:

- is at least age 21 (increased from *an adult* (age 18) under current law) or is a person who is a member of the U.S. Armed Forces, the National Guard, or the uniformed services;

- is not on supervised probation for a crime punishable by imprisonment for one year or more, for a violation of § 21-902(b) or (c) of the Transportation Article (driving while under the influence or driving while impaired), or for violating a protective order under § 4-509 of the Family Law Article (failure to comply with interim or final protective order);
- does not suffer from a mental disorder and have a history of violent behavior against the person or another;
- has not been involuntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders; and
- is not a respondent against whom a current non *ex parte* civil protective order has been entered under § 4-506 of the Family Law Article, a current extreme risk protective order has been entered under § 5-601 of the Public Safety Article, or any other type of current court order has been entered prohibiting the person from purchasing or possessing firearms.

Firearms Training Course: The bill modifies the requirements for a firearms training course approved by the Secretary of State Police to require *in-person* instruction by a qualified handgun instructor and to include classroom instruction on:

- State and federal firearm laws, including laws relating to (1) self-defense law; (2) defense of others and property; (3) the safe storage of firearms; (4) the circumstances under which an individual becomes prohibited from possessing a firearm under State and federal law, as specified; (5) the requirements and options for surrendering, transferring, or otherwise disposing of a firearm after becoming prohibited from possessing a firearm under State or federal law; (6) the requirements for reporting a loss or theft of a firearm to a law enforcement agency, as specified; (7) the firearms and firearm accessories which are banned under State and federal law; (8) the types of firearms that require a special permit or registration to acquire or possess under State or federal law; (9) the law prohibiting straw purchases and the law concerning armed trespass, as specified; and (10) the locations where a person is prohibited from possessing a firearm regardless of whether the person possesses a handgun permit;
- home firearm safety (required under current law);
- handgun mechanisms and operations (required under current law);
- conflict de-escalation and resolutions;
- anger management; and
- suicide prevention.

In addition, the firearms training course must include a firearm qualification component that includes live-fire shooting exercises on a firing range and requires the applicant to demonstrate safe handling of a handgun and shooting proficiency with a handgun (rather

than the current law requirement for a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm).

The Secretary of State Police, in consultation with the Office of the Attorney General (OAG) and the Maryland Department of Health (MDH), must develop, publish, update, and distribute to all State-certified firearms instructors a curriculum of instruction for the topics required for classroom instruction as discussed above.

Investigation: For a handgun permit to be issued, the bill requires that, based on an investigation, the person is not otherwise prohibited by State or federal law from purchasing or possessing a handgun (rather than the current law requirement that, based on an investigation, the person has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger).

Prohibition: The Secretary of State Police may not issue a handgun permit to a person if the person has been convicted, on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (access to firearms by a child) or has been convicted, on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person. The Secretary may not issue a permit to a person who has been convicted, on or after October 1, 2023, of a first violation of § 4-104 of the Criminal Law Article for five years following the date of the conviction.

Revocation: The Secretary of State Police is required (rather than authorized) to revoke a handgun permit on a finding that the person does not meet the qualifications for issuance of handgun permit. The Secretary must regularly review information regarding active permit holders using the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services (DPSCS) to determine whether all permit holders continue to meet the qualifications for issuance of a handgun permit. If the Secretary revokes a permit under these provisions from a person the Secretary determines is prohibited from possessing a regulated firearm, the Secretary must take reasonable steps to ensure the surrender of any regulated firearms in the person's possession.

Written Notice: If the Secretary denies a permit or renewal of a permit or revokes or limits a permit, the Secretary must provide written notice of that initial action to the applicant, including a detailed explanation of the reason or reasons for the initial action. In addition, a written notice of the results of an informal review by the Secretary of a permit denial, permit renewal denial, permit revocation, or limiting of a handgun permit must include a detailed explanation of the reason or reasons for the Secretary's decision to sustain, reverse, or modify the initial action. With respect to a person who appeals a decision of the Secretary to the Office of Administrative Hearings (OAH), the bill specifies that the finding

of facts that OAH must issue within 90 days after the conclusion of the last hearing on the matter must be in writing.

E-mail Summaries of New and Changed Laws Pertaining to Firearms: DSP must transmit a summary of each new law or change to each existing law pertaining to firearms that was passed by the General Assembly during each legislative session to each e-mail address on file with the department that is associated with (1) the purchaser or transferee of a regulated firearm or (2) a person who has registered a regulated firearm with the department. The summary must be transmitted (1) within 45 days after the General Assembly adjourns *Sine Die* in a legislative session; (2) 30 days before the effective date of the act, for each act establishing a new law or change to an existing law pertaining to firearms; and (3) as soon as practicable if an act is designated as an emergency act.

Required Reports: By January 1 each year, OAH must report to the Governor and the General Assembly on the following items, disaggregated by an applicant's county of residence, race, ethnicity, age, and gender:

- the number of appeals of decisions by the Secretary that have been filed with OAH within the previous year;
- the number of appeals of decisions by the Secretary that have been sustained, modified, or reversed by OAH within the previous year;
- the number of appeals that are pending; and
- the number of appeals that have been withdrawn within the previous year.

By January 1 each year, the Secretary of State Police must report to the Governor and the General Assembly the following information disaggregated by an applicant's county of residence, race, ethnicity, age, and gender:

- the total number of permit applications that were submitted to the Secretary within the previous year;
- the total number of permit applications that were granted, denied, and revoked within the previous year; and
- the total number of permit applications filed with the Secretary that are pending at the time of the issuance of the report.

By October 1, 2024, and each October 1 thereafter, the Maryland State Commission on Criminal Sentencing Policy (MSCCSP) must report to the Governor and the General Assembly on the number of charges, convictions, and sentences for violations of § 4-203 of the Criminal Law Article (wearing, carrying, or transporting a handgun) and § 5-133(d) of the Public Safety Article (restrictions on possession of regulated firearms by

a person younger than age 21). The information included in the report must be disaggregated by jurisdiction, race, and gender.

Current Law:

Access to a Firearm: A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child (defined as an individual younger than age 16) would gain access to the firearm. A violator is guilty of a misdemeanor and subject to a maximum fine of \$1,000.

The prohibition does not apply if:

- the child's access to a firearm is supervised by an individual at least age 18;
- the child's access to a firearm was obtained as a result of an unlawful entry;
- the firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or
- the child has a certificate of firearm and hunter safety issued under applicable provisions of the Natural Resources Article.

A violation may not (1) be considered evidence of negligence; (2) be considered evidence of contributory negligence; (3) limit liability of a party or an insurer; or (4) diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition. A party, witness, or lawyer may not refer to a violation during a trial of a civil action that involves property damage, personal injury, or death.

Prohibitions on Possession: Generally, a person is prohibited from possessing regulated firearms, rifles, and shotguns if the person:

- has been convicted of a disqualifying crime;
- has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than two years;
- is a fugitive from justice;
- is a habitual drunkard;
- is addicted to a controlled dangerous substance or is a habitual user;
- suffers from a mental disorder and has a history of violent behavior against the person or another;
- has been found incompetent to stand trial;
- has been found not criminally responsible;
- has been voluntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders;

- has been involuntarily committed to a facility that provides treatment or other services for mental disorders;
- is under the protection of a guardian of the person or property of a disabled person appointed by a court, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- is a respondent against whom a current non *ex parte* civil protective order has been entered in this State or an order for protection has been issued by a court of another state or a Native American tribe and is in effect; or
- if younger than age 30 at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

In addition, a person is prohibited from possessing a regulated firearm if the person was previously convicted of (1) a crime of violence; (2) a violation of specified controlled dangerous substances laws; or (3) an offense under the laws of another state or the United States that would constitute one of these crimes if committed in this State.

Generally, prohibited possession of a regulated firearm is a misdemeanor and subject to maximum penalties of five years imprisonment and/or \$10,000 fine. However, prohibited possession of a rifle or shotgun is a misdemeanor punishable by imprisonment for up to three years and/or a \$1,000 maximum fine.

Handgun Permit: With specified exceptions, including possession of a handgun permit, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person; (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State; (3) violate items (1) or (2) listed above while on public school property in the State; (4) violate items (1) or (2) listed above with the deliberate purpose of injuring or killing another person; or (5) violate items (1) or (2) listed above with a handgun loaded with ammunition. There is a rebuttable presumption that a person who transports a handgun does so knowingly. A violator is guilty of a misdemeanor and subject to the penalties listed below. The subsequent offender provisions apply to previous convictions under § 4-203 (wearing, carrying, or transporting a handgun), § 4-204 (use of a handgun or antique firearm in the commission of a crime), § 4-101 (dangerous weapons), and § 4-102 (deadly weapons on school property) of the Criminal Law Article, as shown in **Exhibit 1**.

Exhibit 1
Penalties for Specified Handgun Violations

First-time Offender – No prior convictions under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 30 days and up to 3 years and/or fine of \$250 to \$2,500

Offense on Public School Property – Imprisonment for at least 90 days

Subsequent Offender – One prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 1 year and up to 10 years

Offense on Public School Property – Imprisonment for at least 3 years and up to 10 years

Court may not impose less than the applicable minimum sentence

Offense with Handgun Loaded with Ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence*

Subsequent Offender – More than one prior conviction under §§ 4-203, 4-204, 4-101, or 4-102 of the Criminal Law Article

In General – Imprisonment for at least 3 years and up to 10 years

Offense on Public School Property – Imprisonment for at least 5 years and up to 10 years

Offense with Deliberate Purpose of Injuring or Killing Another Person – Imprisonment for at least 5 years and up to 10 years

Court may not impose less than the applicable minimum sentence

Offense with Handgun Loaded with Ammunition – With required notice, court may not suspend any part of or impose less than the applicable mandatory minimum sentence. Person is not eligible for parole during mandatory minimum sentence*

* Contains exception for § 4-305 of the Correctional Services Article (parole for an inmate at the Patuxent Institution).

Source: Department of Legislative Services

Existing statutory requirements and background relating to the issuance of handgun permits are summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

State Revenues: In 2020, DSP received 11,512 initial handgun permit applications and 4,886 renewal applications; in 2021, 12,189 initial applications and 6,242 renewals; and in 2022, 85,266 initial applications and 8,891 renewals. Since being directed on July 5, 2022, by then Governor Lawrence J. Hogan, Jr., to immediately stop using the “good and substantial reason” requirement when reviewing handgun permits in the State, DSP has received a record number of initial handgun permit applications. DSP advises that the demand for handgun permits under current law likely remains stable through fiscal 2025 and then decreases by 50% in fiscal 2026, decreases by another 50% in fiscal 2027, and then remains stable at the reduced level.

Under one set of assumptions, general fund revenues from handgun permit fees increase by an estimated \$5.3 million in fiscal 2024 due to the increase in permit fees, which reflects the bill’s October 1, 2023 effective date. **Exhibit 2** shows the estimated increase in fee revenues from fiscal 2024 through 2028. Generally, the estimate assumes that under both current law and the bill, there will be approximately 100,000 new permit applications in fiscal 2024 and 2025, 50,000 new permit applications in fiscal 2026, and 25,000 new permit applications in fiscal 2027 and 2028. The estimate reflects an increase in fee revenue from both initial permit applications and permit renewals and generally assumes that the total number of permits renewed decreases by 10% annually.

Exhibit 2
Estimated Increase in Handgun Permit Fee Revenue under the Bill

	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>
New Apps.	\$3,750,000	\$5,000,000	\$2,500,000	\$1,250,000	\$1,250,000
Renewals	1,544,194	2,644,025	2,595,800	4,103,050	3,504,625
Rev. Increase	\$5,294,194	\$7,644,025	\$5,095,800	\$5,353,050	\$4,754,625

Apps.: applications
Rev.: revenue

Source: Department of Legislative Services

This estimate does not reflect any decrease in the number of permit applications (and subsequent renewals) that may result from the bill’s fee increases or changes to provisions governing the disqualifiers for obtaining a handgun permit; any such decrease cannot be

predicted without actual experience under the bill. This estimate also does not include any additional increase in fee revenue that may result from an increase in the fee for the issuance of a duplicate or modified handgun permit (from \$10 to \$20); sufficient data is not available regarding such issuances. Accordingly, the actual increase in fee revenue will vary from the estimate provided in this analysis depending on the actual number of permits issued and renewed each year.

In addition, general fund revenues may increase minimally as a result of the bill’s alteration of prohibitions relating to possession of a regulated firearm and the application of existing monetary penalties from cases heard in the District Court.

State Expenditures: General fund expenditures increase by at least \$2.4 million in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. Future year expenditures are annualized and reflect inflation and ongoing costs.

Department of State Police

Since former Governor Hogan’s directive in July 2022, overtime costs for DSP’s licensing division have increased significantly. The fiscal 2024 budget as passed by the General Assembly includes \$22.2 million in general funds for the licensing division, an increase of approximately \$4.3 million over the fiscal 2023 budget, reflecting additional staff to address the increase in workload stemming from the Governor’s directive. Nevertheless, existing staff cannot handle any increase in workload resulting from the bill.

Accordingly, general fund expenditures for DSP increase by at least \$2.3 million in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. This estimate reflects the cost of hiring 18 administrative specialists, 3 management specialists, and 5 troopers to handle the bill’s requirements to regularly review information relating to active permit holders. It includes salaries, fringe benefits, one-time start-up costs (including computer programming and the purchase of vehicles), and ongoing operating expenses.

Positions	26.0
Salaries and Fringe Benefits	\$1,688,287
Vehicle Purchases	125,000
Computer Programming	256,400
Other Operating Expenses/Equipment	<u>242,034</u>
Minimum FY 2024 DSP Expenditures	\$2,311,721

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

This estimate does not include costs for additional police equipment for new troopers, initial training of new troopers, or vehicle maintenance. It also does not include costs for any rental space needed to accommodate the new employees. Accordingly, DSP expenditures are likely significantly higher than the estimate provided above.

Maryland State Commission on Criminal Sentencing Policy

General fund expenditures for MSCCSP increase by \$90,455 in fiscal 2024, which accounts for the bill’s October 1, 2023 effective date. This estimate reflects the cost of hiring a researcher to complete the report relating to the number of charges, convictions, and sentences as required by the bill as MSCCSP does not currently collect data for charges or for convictions and sentencings occurring in District Court. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Position	1.0
Salary and Fringe Benefits	\$83,046
Operating Expenses	7,409
Total FY 2024 MSCCSP Expenditures	\$90,455

Although the bill requires MSCCSP to submit its first report by October 1, 2024, MSCCSP needs additional staff beginning in fiscal 2024 in order to begin the process of obtaining, organizing, managing, and analyzing the required data for the report. Future year expenditures reflect a full salary with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Department of Public Safety and Correctional Services

General fund expenditures for DPSCS increase minimally as a result of the bill’s increased incarceration penalty due to people being committed to State correctional facilities for longer periods of time and increased payments to counties for reimbursement of inmate costs. The number of people subject to lengthier sentences under the bill is assumed to be minimal.

The Division of Corrections (DOC) conducted intake on 93 individuals for the applicable violations of § 4-203 of the Criminal Law Article during fiscal 2022; the average length of sentence for this group was 2.34 years. However, DOC did not indicate how many of these individuals were first-time offenders who would be subject to lengthier sentences under the bill.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$4,970 per month. Persons serving a sentence of one year or less in a jurisdiction other than

Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. The State provides assistance to the counties for locally sentenced inmates and for (1) inmates who are sentenced to and awaiting transfer to the State correctional system; (2) sentenced inmates confined in a local detention center between 12 and 18 months; and (3) inmates who have been sentenced to the custody of the State but are confined in or who receive reentry or other prerelease programming and services from a local facility.

The State does not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Other State Agencies

OAH, MDH, and the Judiciary can handle the bill's changes with existing budgeted resources. Although OAG did not respond to requests for information regarding the fiscal effect of the bill, it is assumed that OAG can handle the bill's changes using existing budgeted resources.

Local Revenues: Revenues increase minimally as a result of the application of existing monetary penalty provisions to violations of the bill.

Local Expenditures: Expenditures increase minimally as a result of the bill's increased incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately \$90 to \$300 per inmate in recent years.

Additional Comments: The Judiciary advises that there were 304 guilty dispositions (convictions) in the District Court for violations of § 4-203 of the Criminal Law Article during fiscal 2022. Information is not readily available on how many of these convictions were for defendants who were first-time offenders. MSCCSP advises that, for fiscal 2022, it received information for 881 individuals sentenced in the circuit courts to 900 total counts of unlawful wearing, carrying, or transporting a handgun as a first offense under § 4-203 of the Criminal Law Article. Information is not readily available on how many of these individuals were also sentenced for more serious offenses.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Harford and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Office of Administrative Hearings; Maryland Department of Health; Department of Legislative Services

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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.

On June 23, 2022, the U.S. Supreme Court, in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. (2022), held unconstitutional a New York law that required applicants for a concealed carry handgun permit to demonstrate a "proper cause" (or a special need for self-defense) before issuance of a license to carry a handgun in public. In a 6-3 ruling, the Supreme Court held for the first time that the Second Amendment provides a constitutionally protected right for a law-abiding citizen to carry a handgun outside the home for self-defense.

Following the U.S. Supreme Court's decision, Maryland's Court of Special Appeals (now the Appellate Court of Maryland) applied *Bruen* directly to *In the Matter of William Rounds*, 255 Md. App. 205 (2022), ruling that Maryland's wear and carry handgun permit law requiring an applicant to have a "good and substantial reason" to be issued a license to carry was analogous to New York's "proper cause" requirement and was unconstitutional. On July 5, 2022, then Governor Lawrence J. Hogan, Jr., responded to the ruling by directing the Department of State Police (DSP) to immediately stop using the "good and substantial reason" requirement when reviewing handgun permits in the State. On July 6, 2022, OAG issued a similar letter advising on the constitutionality and severability of the "good and substantial reason" from the State's handgun permit statute while affirming all other requirements for a handgun permit remain in effect.

According to DSP, there has been a substantial increase in handgun permit applications in Maryland since the *Bruen* ruling. In 2022, DSP received 85,266 new applications for handgun permits (up from a total of 12,189 in 2021) and 8,891 handgun permit renewal applications. DSP denied 1,787 applications in the same year. As of January 20, 2023, there are approximately 113,964 active handgun permits in the State (up from 26,119 active handgun permits in the State at the end of 2021). It generally takes less than 2 days to receive the results of a national criminal history records check from the FBI and approximately 90 days to process, investigate, and issue a permit.