Article - Criminal Law

[Previous][Next]

§4–107.

(a) Except for a person holding a valid permit issued under subsection (c) of this section, a person who was previously convicted of a crime of violence or a drug trafficking crime may not use, possess, or purchase bulletproof body armor.

(b) A person with a prior conviction for a crime of violence or a drug trafficking crime may file a petition with the Secretary for a permit to purchase, possess, and use bulletproof body armor.

(c) On receiving a petition under subsection (b) of this section, the Secretary may issue to the petitioner a permit to purchase, possess, and use bulletproof body armor under the terms, conditions, and limitations that the Secretary sets as appropriate, based on a determination that the petitioner:

(1) is likely to use or possess bulletproof body armor in a safe and lawful manner; and

(2) has shown good cause for the use, possession, or purchase of bulletproof body armor.

(d) In making a determination under subsection (c) of this section with respect to a petitioner, the Secretary shall consider:

(1) the effect of the determination on the employment of the petitioner;

(2) the interests of justice;

(3) the safety of the petitioner;

(4) any other valid reason for the petitioner to purchase, possess, or use bulletproof body armor; and

(5) the totality of the circumstances.

(e) As a condition of issuing a permit to a petitioner, the Secretary shall require that the petitioner agree to maintain in the person's possession a certified copy of the permit, including any terms, conditions, or limitations.

(f) (1) A permit under this section expires 5 years after the date of its issuance.

(2) A permit shall be renewed for successive periods of 5 years if the applicant:

(i) files an application for renewal at any time within 3 months before the permit expires; and

(ii) satisfies the requirements of this section.

(g) The Secretary may revoke a permit at any time if the Secretary finds that the holder no longer satisfies the qualifications set forth in subsection (c) of this section.

(h) (1) A person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receiving written notice of the Secretary's initial action.

(2) The informal review may include a personal interview of the applicant.

(3) An informal review under this subsection is not subject to the Administrative Procedure Act.

(4) After the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receiving the request for informal review.

(i) (1) A person aggrieved by a decision of the Secretary may seek review of the decision under Title 10, Subtitle 2 of the State Government Article.

(2) A request for informal review under subsection (h) of this section is not a condition precedent to instituting a contested case proceeding under this subsection.

(j) The Secretary shall adopt regulations to carry out this section.

(k) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $5,000 or both.

[Previous][Next]