

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1178
Judiciary

(Delegate Hornberger, *et al.*)

Handgun Permit Holders - Authority to Carry Handguns in State Parks and
Forests

This bill prohibits the Department of Natural Resources (DNR) from prohibiting an individual to whom a handgun permit has been issued by the Secretary of State Police from wearing, carrying, or transporting a handgun in a State park or forest, subject to any limitations imposed on the permit by the Secretary of State Police. The bill may not be interpreted to authorize an individual to use a handgun to hunt wildlife in violation of DNR regulations.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Department of Natural Resources Regulations for State Parks and Other Department Lands

DNR is authorized to make rules and regulations for the maintenance of order, safety, sanitation, traffic control, or for the protection of trees and other property and the preservation of the natural beauty within the State parks and forests, State reserves, scenic preserves, parkways, historical monuments, recreational areas, and any other lands under

its control. The rules and regulations must be posted in conspicuous places upon the lands and enforced by the forest and park officers.

DNR regulations, subject to exceptions, prohibit an individual other than a law enforcement officer from possessing a weapon (including a firearm) in a State park and possessing or using a weapon or firearms in State forests. The prohibitions do not apply to authorized hunting in designated hunting areas within the State park system, authorized hunting on land or waters owned or controlled by the Forest Service within DNR, or to authorized target shooting at designated shooting ranges. The Maryland Park Service within DNR may also approve an exception for an archery range, a firearms range, or an exhibition. In addition, during hunting season, a licensed hunter may carry firearms and bows and arrows across State parks, in a specified manner, in order to get to hunting areas or to other State or private property that is open to hunting.

Handgun Permits

A person must have a permit issued by the Secretary of State Police before the person carries, wears, or transports a handgun. With specified exceptions, a person may not wear, carry, or transport a firearm in certain areas, as specified in § 4-111 of the Criminal Law Article. Current law requirements and background relating to the issuance of handgun permits are summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

Department of Natural Resources Regulation of Means or Weapons for Hunting

DNR must prescribe by regulation the means or weapons for hunting designated wildlife and establish any restrictions relating to weapons used to hunt designated wildlife, including the amount and size of ammunition for designated game birds or mammals. These requirements do not authorize the department to restrict the use of firearms except in the activity of hunting designated wildlife. DNR may not prohibit a licensed bow hunter from openly carrying a handgun that the hunter is otherwise authorized to carry if the bow hunter (1) is at least age 21; (2) is hunting in a specified deer management region; (3) is carrying the handgun for personal protection; and (4) does not use the handgun to kill wildlife wounded by a vertical bow or crossbow.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 590 of 2022.

Designated Cross File: None..

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

Fiscal Note History: First Reader - March 3, 2024
rh/lgc

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

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 at least age 21 years or a member of the U.S. Armed Forces, the National Guard, or the uniformed services; (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 be on supervised probation for conviction of a crime punishable by imprisonment for one year or more, a violation of § 21-902(b) or (c) of the Transportation Article (driving while under the influence or driving while impaired), or violating a protective order under § 4-509 of the Family Law Article (failure to comply with interim or final protective order); (5) must not suffer from a mental disorder and have a history of violent behavior against the person or another; (6) must not have been involuntarily admitted for more than 30 consecutive days to a facility that provides treatment or other services for mental disorders; (7) must not be 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; (8) must not exhibit a propensity for violence or instability, which may reasonably render possession of a handgun a danger to the applicant or another; (9) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (10) 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 (11) must not otherwise be prohibited by State or federal law from possessing a handgun.

The Secretary may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4-104 of the Criminal Law Article (child access to firearms) or has been convicted on or after October 1, 2023, of a violation of that provision 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 also may not issue a handgun permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4-104 of the Criminal Law Article for five years following the date of the conviction.

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 and federal firearm laws, home firearm safety, handgun mechanisms and operations, conflict de-escalation and resolution, anger management, and suicide prevention; and (3) a firearm qualification component that includes live-fire shooting exercise on a firing range and requires the applicant to demonstrate safe handling of a handgun and shooting proficiency with a handgun.

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 \$125; two years after the initial permit and every three years thereafter, a \$75 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 2023, the Department of State Police (DSP) received 64,724 new applications for handgun permits and 13,682 handgun permit renewal applications. DSP denied 2,258 applications in the same year. As of January 1, 2024, there are approximately 175,662 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 FBI and approximately seven days to process and issue a permit.