

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 779
Judiciary

(Delegate Hornberger, *et al.*)

**Handgun Qualification Licenses - Personally Identifying Information - Deletion
and Destruction**

This bill requires the Attorney General, within five business days after determining that a court of competent jurisdiction has issued a final, nonappealable court order that the State may not require a person to possess a valid handgun qualification license (HQL) prior to purchasing, renting, or receiving a handgun, to notify the Secretary of State Police, in writing, that such a court order has been issued. Within 90 days after the Attorney General gives such notice, the Secretary must permanently delete or destroy all “personally identifying information” that the Secretary has received or otherwise acquired from applications for and the issuance of an HQL under Title 5, Subtitle 1 of the Public Safety Article. Within 30 days after the deletion and destruction of that information, as required by the bill, the Secretary must report to the General Assembly that the Secretary has complied with the bill’s requirements. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: If such a court order is issued and the required notice is given, general fund expenditures for the Department of State Police (DSP) increase by \$300,000 for one-time programming costs only in the fiscal year in which DSP must meet the bill’s requirements, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Personally identifying information” means information that reveals the identity or specific location or residence of an individual. The bill does not apply to personally identifying information that is evidence of a crime.

Current Law: An HQL applicant must submit to the Secretary of State Police (1) an application in the manner and format designated by the Secretary; (2) a nonrefundable application fee to cover the costs to administer the program of up to \$50; (3) if required, proof of satisfactory completion of an approved firearms safety training course; (4) any other identifying information or documentation required by the Secretary; and (5) a statement made by the applicant under the penalty of perjury that the applicant is not prohibited under federal or State law from possessing a handgun. For more information regarding HQLs, see the **Appendix – Handgun Qualification Licenses**.

State Expenditures: Pursuant to current law, the Secretary of State Police may issue an HQL without an additional application or fee to a person who (1) does not already have an HQL and (2) meets the requirements for the issuance of a permit to wear, carry, or transport a handgun. As a result, several records related to the issuance of an HQL that contain personally identifying information are intertwined with other records in DSP databases. Thus, if a court issues a final, nonappealable court order prohibiting the State from requiring a person to possess a valid HQL prior to purchasing, renting, or receiving a handgun, and the Attorney General provides the required notice to the Secretary, the DSP licensing division database needs to be reprogrammed for DSP to delete or destroy all personally identifying information as required by the bill while also maintaining the information for other required purposes. Accordingly, general fund expenditures increase by approximately \$300,000 for one-time programming changes only in the fiscal year in which DSP must meet the bill’s requirements.

The Office of the Attorney General can provide the required notice using existing budgeted resources.

Additional Information

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

Designated Cross File: None.

Information Source(s): Office of the Attorney General; Judiciary (Administrative Office of the Courts); Department of State Police; Department of Legislative Services

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km/lgc

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Appendix – Handgun Qualification Licenses

A handgun qualification license (HQL) authorizes a person to purchase, rent, or receive a handgun. A licensed firearms manufacturer; a specified active or retired law enforcement officer; a member or retired member of the U.S. Armed Forces or the National Guard; and a person purchasing, renting, or receiving an antique, curio, or relic firearm (as defined under federal law) are exempt from the requirements of the licensing provisions.

The Secretary of State Police must apply for a State and national criminal history records check for each applicant. As part of the application for a criminal history records check, the Secretary must submit one complete set of fingerprints of the applicant.

The application fee for an HQL is to cover administrative costs and may be up to \$50. The term of the license is 10 years. License renewal fees are set at up to \$20. Generally, the Secretary of State Police must issue an HQL to a person who (1) is at least age 21; (2) is a State resident; (3) has completed a firearms safety training course; and (4) is not prohibited by federal or State law from purchasing or possessing a handgun.

The firearms safety training course must include (1) a minimum of four hours of instruction by a qualified handgun instructor; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms orientation that demonstrates that the person can safely operate and handle a firearm. An applicant is not required to complete an approved firearms safety training course if the applicant has previously completed a certified firearms training course, has completed a hunting safety course prescribed by the Department of Natural Resources, is currently a qualified handgun instructor, is an honorably discharged member of the U.S. Armed Forces or the National Guard, is a certain employee of an armored car company, or lawfully owns a regulated firearm. Renewal applicants are not required to complete the firearms safety training course or submit to a State and national criminal history records check.

The Secretary may issue an HQL without an additional application or fee to a person who meets the requirements for the issuance of a handgun permit who does not already have an HQL.

Within 30 days after receiving a properly completed HQL application, the Secretary must provide (1) an HQL, if approved, or (2) a written denial of the application, including the reason the application was denied and a statement of the applicant's appeal rights regarding the decision.

On November 21, 2023, a three-judge panel of the U.S. Court of Appeals for the Fourth Circuit ruled that HQL requirements are unconstitutional. On December 5, 2023, the State requested a re-hearing before the entire Fourth Circuit Court of Appeals. The request was granted on January 11, 2024, and a hearing is tentatively scheduled for the March 19-22, 2024 session. During the rehearing process, HQL requirements remain in effect.

In 2023, the Department of State Police (DSP) received 44,186 new applications for HQLs. DSP denied 1,524 applications in the same year. There are currently approximately 318,500 active HQLs in the State (issued since October 1, 2013).