

SenatorBailey_FAV_SB15.pdf

Uploaded by: Bailey, Jack

Position: FAV

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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February 2, 2021

Senate Bill 15 – Firearms – Handgun Permit – Notice of Expiration and Renewal Instructions

Dear Chairman Smith and Members of the Committee:

I am writing to introduce Senate Bill 15 – Firearms – Handgun Permit – Notice of Expiration and Renewal Instructions. Senate Bill 15 requires the Secretary of State Police to provide notice by mail to a holder of a handgun permit of the impending expiration of the permit at least 60 days before the expiration of the permit if the holder filed a paper application on or before October 1, 2019.

This issue was brought to me by a constituent who held a handgun permit. He received no notification before the expiration of his permit and the permit expired. As a result, he and anyone else whose handgun permit expires must go through the entire application process again as if they are being issued a new permit. These permits do not all expire at the same time; some expire after two years and some expire after three years. I am aware that the State Police's systems are now automated, but that does nothing for the permit holders who applied using a paper application prior to October 1, 2019 and whose permits expire during the next two years.

The state currently provides a renewal notice for other licenses that are issued by the state such as Driver's Licenses, car registrations, trailer registrations, and boat registrations. I believe that holders of handgun permits should be afforded the same notice.

This bill is only intended to address those individuals who remain in the previous permitting system which was based on paper applications. Because this issue will be resolved once all permit holders have been processed through the new online system, this bill sunsets in two years.

I respectfully request a favorable report on Senate Bill 15. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

SB0015 Testimony - Ebling.pdf

Uploaded by: Ebling, James

Position: FAV

James P. Ebling
18600 Gunpowder Road
Hampstead, Maryland 21074
District 42B

State of Maryland
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

January 26, 2021

Re: Bill: **SB0015** - Firearms - Handgun Permit - Notice of Expiration and Renewal
Instructions
Position: **SUPPORT**

Dear Mr. Chairman, Mr. Vice-Chairman, and Committee Members

Thank you for the opportunity to voice my opinion on this bill.

I have been a Maryland Wear and Carry Permit holder for over ten years. While the process has been updated and changed over that time, one thing has not – the fact that the permit holder is solely responsible for renewing his/her permit without any reminder or instruction from the Maryland State Police.

The Motor Vehicle Administration sends out renewal reminders and instructions to renew your driver's license, your emissions certificate, and your vehicle registration. The Court Clerk's Offices send out renewal reminders and instructions to renew your trader's license. I believe it's discriminatory to Maryland permit holders not to offer the same reminder and renewal instructions.

I live close the Maryland/Pennsylvania border and, as such, possess a Pennsylvania License to Carry Firearm (PA's version of a MD Wear and Carry Permit). Pennsylvania mails me a renewal reminder along with instructions on how to renew before my Pennsylvania permit expires. I believe Maryland should extend the same courtesy to its permit holders.

I respectfully ask that you give a favorable vote on this bill. If you have any questions, please feel free to contact me.

Thank you for your time and consideration.

Sincerely,

James P. Ebling
pat.ebling@gmail.com
410-746-8938

Katie_Novotny_FAV_SB15.pdf

Uploaded by: Novotny, Katie

Position: FAV

Written Testimony of Katie Novotny in support of SB15

29 January 2021

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I support SB 15.

This common sense bill is a good solution to the temporary problem of ensuring people who have a handgun permit that they submitted under the old paper system, receive notice of expiration and instructions on how to renew under the new electronic system. Current law requires the Maryland State Police to return the paper application and provide instructions to anyone who submits a paper renewal. This speeds the process up by eliminating a step. Many of these people who have submitted by paper in the past may not be aware of the new changes in law that require them to apply online.

The cost is not high for this bill, and it is temporary. It also does not account for the time that would be spent returning paper applications and providing instructions to applicants under the old system, if these permit holders are not sent instructions as this bill requires. As good legislation should, it ceases to be active when it is no longer necessary.

One improvement I would request is that permit holders be mailed letters in sealed envelopes rather than a postcard that anyone could read.

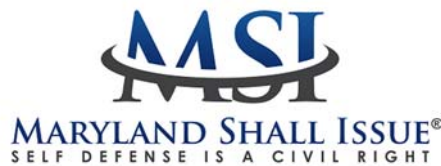
Because of these reasons above, I request a favorable report.

Katherine Novotny
District 7
443-617-7568
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MSI Testimony on SB 15 Final revised.pdf

Uploaded by: Pennak, Mark

Position: FWA



February 2, 2021

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 15 WITH AMENDMENTS

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of the District of Columbia and the Bar of Maryland. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms Law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License and a certified NRA instructor in rifle, pistol and personal protection in the home, personal protection outside the home, muzzle loading as well as a range safety officer. I appear today as President of MSI in support of SB 15, WITH AMENDMENTS.

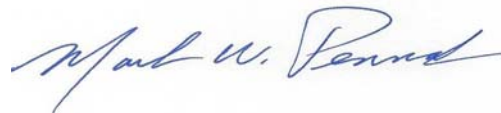
This bill simply directs the Maryland State Police to “mail a postcard that provides written notice of a handgun permit’s impending expiration and the instructions on how to submit a renewal handgun permit application online through the Maryland State Police Licensing Portal to a holder of a handgun permit at least 60 days before the expiration of the permit if: (1) the holder of the handgun permit filed a paper handgun permit application; and (2) the paper handgun permit application was filed on or before October 1, 11 2019.” We support this bill with two amendments. The first amendment is that the notice be sent by email or regular mail. That amendment is offered because MD Code, General Provisions, § 4-325 makes this information confidential. Specifically, Section 4-325(a) provides that the State Police shall “deny inspection of all records of a person authorized to: * * * (2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.” Section 4-325(b) expressly limits access to this information to the person named in the record or the person’s attorney. A “postcard” containing the notice specified in the bill simply does not provide the necessary security contemplated by these provisions. We suggest, therefore, that the bill be amended to provide that the notice be sent via email, rather than by postcard. With this amendment, we support this bill.

The notice requirement is imminently sensible. Allowing these licenses to expire inadvertently usually means that the licensee must start all over from scratch, as if there had never been any license at all. Other states provide notice to licensees, including carry permits issued to out of state residents. For example, 42 states, including states such as Florida, Utah, Virginia, Pennsylvania, issue carry permits and many, if not most, of these states provide renewal notices. Florida has issued nearly permits to 2 million persons and manages to provide notice of renewal to **each** of these persons. See <https://cwrex.freshfromflorida.com/> (requiring a number from the renewal notice sent by mail in order to renew) and <https://www.tampabay.com/florida-politics/2019/04/11/florida->

[nears-milestone-2-million-concealed-weapon-permit-holders/](#). As of 2016, Utah had issued approximately 663,000 carry permits. https://www.standard.net/police-fire/utah-concealed-weapons-permits-now-numbering-k-see-surge-in/article_04739588-b02c-5d93-91a9-62c0e1ece68b.html. It likewise provides renewal notices. Pennsylvania has issued over 1 million carry permits. It provides renewal notices, albeit from the County Sheriffs, who are the issuing authority under Pennsylvania law. See generally https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357&download=yes.

Maryland State Police has issued approximately 26,000 carry permits, which is a tiny fraction of the number of permits issued in these other States. As of October 1, 2019, the State Police moved to a fully electronic application and renewal process for carry permits. <https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/WearandCarryPermit.aspx>. The renewal period in Maryland is 2 years for the first renewal and 3 years for subsequent renewals for carry permits. See MD Code, Public Safety, § 5-309. Thus, within 3 years (starting from October 2019), all the data, including expiration dates and email and home addresses, for every existing permit holder, will be fully incorporated into this electronic system. It is our understanding that the State Police fully intend to use this electronic system to send out renewal notices and reminders. The cost of doing so is *de minimis*. The relatively small number of individuals directly affected by this bill should be accorded the same treatment.

Sincerely,

A handwritten signature in blue ink, reading "Mark W. Pennak". The signature is fluid and cursive, with the first name "Mark" and last name "Pennak" clearly legible.

Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

MSP Position Paper SB 15.pdf

Uploaded by: Williams, Thomas

Position: INFO



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 2, 2021

BILL NUMBER: Senate Bill 15 **POSITION:** Letter of Information

BILL TITLE: Firearms – Handgun Permit – Notice of Expiration and Renewal Instructions

REVIEW AND ANALYSIS:

This legislation seeks to require the Secretary of the Department of State Police to provide notice to a handgun permit holder 60 days prior to the expiration of their permit. The notice shall include the impending expiration and instructions on how to renew through the Licensing Portal.

The Licensing Division, as part of its ongoing modernization, launched an electronic, web-based application program on October 1, 2019. The new system is required to be used for all new applications or renewal of handgun permits. Any applicant who uses the on-line system will be notified via email when their renewal is due.

There are approximately 23,000 active handgun permits issued in Maryland that would be affected by this legislation. Possessing a handgun permit requires great responsibility. As part of the Department's ongoing modernization, all of the permit holders who have completed their initial application and renewal application on-line since October 1, 2019 will be notified automatically via email.

Senate Bill 15 would require the Department to hand search every paper application on file prior to October 1, 2019 to search for each applicant's renewal date, as the renewal is on the applicant's birthday. These paper applications are filed by application number, there is no correlation to the expiration date. After the files are located, the staff would have to complete the basic information on a postcard and mail it to the permit holder.

The Licensing Division is currently experiencing a high volume of handgun purchase requests. These purchase or transfer requests require a background investigation to be completed in seven days. (Purchase applications have doubled from 2019 to 2020) Additionally, handgun permit applications have doubled from 2019 to 2020. To add this additional work to the staff required by Senate Bill 15 would require MSP to move pull resources from other Licensing operations jeopardizing thorough investigations and impacting the mandated time frame for the transfer approval or denial.

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

This legislation requires a postcard to be sent to the permit holder advising them when their permit expires and how to renew it. The problem with a postcard is the entire card is readable to anyone who holds the card.

The postcard would include the person's name and the date of the permit's expiration and instructions on how to apply on line for the renewal. Under Maryland law, General Provisions Article, Section 4-325, (a) Except as provided in subsections (b) and (c) of this section, a custodian shall deny inspection of all records of a person authorized to:

- (1) sell, purchase, rent, or transfer a regulated firearm under Title 5, Subtitle 1 of the Public Safety Article; or
- (2) carry, wear, or transport a handgun under Title 5, Subtitle 3 of the Public Safety Article.

Using a postcard would not only violate State law by making this information available to anyone who viewed it; i.e. postal workers, mail thieves, or neighbors picking up the mail, etc. but it could expose the permit holder to unnecessary risk. If the information was retrieved and used by someone or shared with others, a database of handgun permit holders could be established or, at the very least, the postcard would let the reader know that a firearm can be found at a particular residence.