

DC-W_SB309_Fav.pdf

Uploaded by: Carlin-Weber, Daniel

Position: FAV

Daniel Carlin-Weber

SB309 - Favorable

January 15, 2021

Firearms - Handgun Permit - Preliminary Approval

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am certified by the Maryland State Police as a Qualified Handgun Instructor, Utah Concealed Firearm Permit Instructor, and NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders of all walks on how to safely operate firearms and the responsibilities that come with their usage. I come before you today to urge a favorable report of Senate Bill 309.

Currently, the application process for a Maryland Wear and Carry Permit requires that an applicant complete a 16-hour training course BEFORE submitting their application to the Maryland State Police. As you may know, Maryland law requires many factors be satisfied before they're issued a permit, such as having a "good and substantial reason" and that they not be prohibited by law from possessing firearms, among other things. The required training course typically costs in the window of \$300 and up and they are not always immediately available. Moving the training requirement to after the State Police have otherwise approved an applicant is substantially more fair and wouldn't compromise the State Police's ability to vet applicants. Applicants would still need their background check, fees, fingerprints,

and complete application before submission and the State Police would only issue the permit once the applicant is approved and their training completed.

Despite modeling most of their concealed carry laws after Maryland's, Washington D.C. has offered preliminary approval from the very start. Applicants have 45 days to complete training after the Metropolitan Police have investigated applicants and given approval. More information can be found on D.C.'s application process here: <https://dcgov.seamlessdocs.com/f/InstructionsForConcealedCarryPistolLicenseApplication>

Preliminary approval is fair and respects the time and finances of each applicant. It is for these reasons that I urge the committee issue a favorable report.

Daniel J. Carlin-Weber
District 40
djc_w@icloud.com
443-333-6755

Katie_Novotny_FAV_S309.pdf

Uploaded by: Novotny, Katie

Position: FAV

Written Testimony of Katie Novotny in support of SB309

15 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 309.

This bill makes good sense. It is not reducing the amount of training required by a person who will receive a wear and carry permit. It is simply allowing them to not spend the significant amount of money required to attend the training, unless they are approved to receive a permit. In my research, the initial training generally runs between \$300 and \$600. This is a significant outlay for someone who is unsure if they will be approved by the "good and substantial reason" requirement.

The ongoing pandemic has also made it much more difficult for people to access training. Class sizes are limited due to social distancing, ranges have often been closed or have capacity limits, and people whose jobs have been closed have struggled financially.

This committee, and the entire Senate have passed this bill in the past. Please take favorable action so that this process may be changed for the better.

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

Katherine Novotny
District 7
443-617-7568
Katie.Novotny@hotmail.com

MSI Testimony on SB 309 favorable Preliminary appr

Uploaded by: Pennak, Mark

Position: FAV



January 19, 2021

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 309

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 Maryland and of the Bar of the District of Columbia. 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 (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in support of SB 309.

Firearms Safety Act of 2013 requires that a person complete a 16 hour training course, taught by a State certified instructor, “prior to application” for a carry permit. MD Code, Public Safety, § 5-306(a)(5). Senate Bill 309 would amend Section 5-306 to delete the requirement that the training be completed “prior to application.” It then provides that a person may file an initial application for a wear and carry permit without completing the training and directs that the State Police to issue a preliminary approval if the person is otherwise qualified for the permit. The person then has 120 days after receipt of the preliminary approval to furnish the State Police the certificate of training otherwise required by the regulations. A permit does not issue until that training certificate is provided. If no certificate of training is provided, the State Police are directed to revoke the preliminary approval and deny the permit application.

This bill makes sense. Indeed, this same bill passed the House of Delegates in 2017 as HB 1036 and that bill was reported out this Committee with a favorable report. The bill only failed to become law that year because time ran out at *sine die*. In the last legislation session in 2020, the same bill (SB 506) was favorably reported out by this Committee and unanimously passed the Senate, only to die in the House with the shortened legislative session due to COVID 19. This bill, SB 309, is not materially different than these bills that have passed the Senate and the House in years past.

To be clear, the existing, very rigorous training requirements are not relaxed in the slightest under this bill and no permit may be issued without a person satisfying those requirements. That training, however, is relatively hard to find and can be quite expensive, running from around \$300 up to \$600 for each person in a class. This high cost reflects the number of hours required and the mandatory live-fire course mandated by the State Police. That live-fire requirement necessitates access to a range, which are relatively few in number in

Maryland and most commonly privately owned and operated. Many, if not most, instructors require a minimum number of persons in a class, typically ten, and classes are not held until that minimum number of persons actually sign up for the class. For these reasons, a person will need at least 120 days to find the course and secure training. This bill allows a person to apply without undergoing that initial and substantial expense, which would be completely wasted if the State Police were to determine that the person is not otherwise qualified for the permit.

Other jurisdictions follow this same approach. For example, California imposes a “good cause” requirement for a carry permit. See CA Penal Code 26202. That “good cause” requirement is quite similar to the Maryland “good and substantial reason” requirement imposed by MD Code Public Safety §5-306(a)(6)(ii). California, like Maryland, likewise imposes a 16 hour training requirement. CA Penal Code § 26165. Yet, that same provision also provides that “[t]he applicant shall not be required to pay for any training courses prior to the determination of good cause being made pursuant to Section 26202.” See also Section 26202 (“If the licensing authority determines that good cause exists, the notice shall inform the applicants to proceed with the training requirements specified in Section 26165.”).

The District of Columbia and Delaware also follow this approach. See D.C. Mun. Regs. Tit. 24, § 2336.4 (“An applicant may submit to the Chief the application required under § 2337 without including the certificate of completion of training required by this section; provided that if the Chief preliminarily approves the application pursuant to §2339, the applicant has forty-five (45) days to submit the certificate of completion and successfully complete the range training”); 2 DE Code § 1441(e) (allowing a permit to be issued on an approved application after submission of a certificate of completion of the required training, but not establishing any firm deadline for such submission).

There is no good reason why Maryland cannot give preliminary approval as contemplated by this bill. In 2017, the representative of the Maryland State Police testified that the State Police can accommodate this approach without a problem. See Video of Testimony by State Police on HB 162 before the House Judiciary Committee (Feb. 7, 2017), available at <http://mgahouse.maryland.gov/mga/play/421c69fc-fd71-4351-bb1a-f78440aa18f4/?catalog/03e481c7-8a42-4438-a7da-93ff74bdaa4c&playfrom=1499000> (exchange with Del. Anderson, starting at 29.00 minutes). This is just good government. We urge a favorable report.

Sincerely,



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

SB309 - Support Letter.pdf

Uploaded by: Spiker, D.J.

Position: FAV

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

January 15, 2021

Chairman William C. Smith Jr.
90 State Cir
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our members in Maryland, I would like to communicate our strong support for Senate Bill 309.

At present, Maryland Handgun Wear and Carry Permit applicants are required to complete 16-hour certified firearms training course. SB 309 would alter existing law to provide an avenue for law-abiding Marylanders to obtain preliminary approval of a Handgun Wear and Carry Permit contingent upon their subsequent completion of the requisite certified firearms training course within 120 days of receiving the permit.

Under SB 309, those seeking preliminary approval of a Handgun Wear and Carry Permit would still be required to undergo a Maryland State Police investigation to determine that they do not pose a danger to themselves or others and that they have a good and substantial reason to carry a handgun. Should an individual who is granted preliminary approval of a Handgun Wear and Carry Permit fail to obtain the requisite firearms training within 120 of receiving their approval, the permit would be revoked.

This legislation would help to ensure that law-abiding Marylanders have timely access to the means of self-defense. As was seen this summer, the threat of violence can arise with little warning or opportunity for preparation. On a more personal scale, an unanticipated need to provide for one's self-defense can occur can come about at any time. For instance, a woman fleeing domestic violence could have an immediate need to carry a firearm, but may be unable to secure the requisite training for Handgun Wear and Carry Permit in a prompt manner.

Moreover, the ongoing COVID-19 pandemic has made it more difficult to obtain certified firearms training. As Marylanders work together to combat the virus through social distancing, opportunities to congregate have been reduced. Many Marylanders, due to personal health concerns may be reluctant to pursue firearms training in a traditional setting while the pandemic is still gripping the state. SB 309 would allow prospective Handgun Wear and Carry Permit holders greater leeway to choose a safe time and setting to complete the required certified firearms training course.

For the foregoing reasons NRA supports SB309.

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

Sincerely,

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

D.J. Spiker
Maryland State Director
NRA-ILA

CC: Senator Jeff Waldstreicher
Senator Jack Bailey
Senator Jill P. Carter
Senator Robert Cassilly
Senator Shelly Hettleman
Senator Michael J. Hough
Senator Michael A. Jackson
Senator Susan C. Lee
Senator Charles E. Sydnor III
Senator Chris West

SB 309 Handgun Permit.pdf

Uploaded by: Burke, Michael

Position: FWA

SB 309 Handgun Permit – Preliminary Approval

In the Senate - Hearing 1/19 at 11:00 a.m.

I support this bill with a recommended amendment:

Instead of “within 120 days” change to “within 12 months.”

I agree that the onus of paying \$300 to \$800 for the minimum required training (16 hours) with a Maryland State Police Licensed Instructor is a major barrier to citizens obtaining a permit to wear and carry a loaded, regulated firearm. This training is expensive and difficult to afford, especially for minorities and the disabled – especially those citizens residing in Baltimore City.

The cost (\$75 in state fees, another \$50 to \$75 for fingerprints) is already a challenge to the working class, the unemployed, the under-employed residents. However, allowing citizens to proceed and obtain a Conditional approval following a background check benefits all.

The amendment to permit training “within 12 months” is necessary, as it is increasingly difficult to find an open seat in a firearms training class, due to the COVID 19 restrictions and the lack of open firearms ranges across the State.

Authorizing a person to apply for preliminary approval of a permit to wear, carry, or transport a handgun without completing a certified firearms training course; requiring the Secretary of State Police to investigate an application for a handgun permit; requiring the Secretary to issue preliminary approval if the applicant meets certain requirements except the certified firearms training course; requiring an applicant to satisfy the firearms training requirement within 120 days after receipt of preliminary approval; etc

Signed;

Michael Burke

PO Box 23111

Baltimore, MD 21203

HB0309-UNFAV-DTMG-1-19-21.pdf

Uploaded by: Bartlett, Olivia

Position: UNF



Olivia Bartlett, DoTheMostGood Maryland Team

Committee: Judicial Proceedings

Testimony on: SB0309 - Handgun Permit – Preliminary Approval

Position: Unfavorable

Hearing Date: January 19, 2021

Bill Contact: Senator Hough

DoTheMostGood (DTMG) is a progressive grassroots organization with more than 2000 members who live in a wide range of communities in Montgomery and Frederick Counties, from Bethesda near the DC line north to Frederick and from Potomac east to Silver Spring and Olney. DTMG supports legislation and activities that keep its members healthy in a safe environment. DTMG strongly opposes SB0309 because it will loosen the requirement for adequate training before getting a permit for a handgun in Maryland.

Maryland law requires anyone wanting to buy, rent or license a new handgun to have taken a training class on Maryland handgun laws, basic handgun safety, and operation and maintenance of a handgun. This is a very low bar to ensure the safety of our residents and our communities. According to the Maryland State Police website, there are more than 1500 Qualified Handgun Instructors throughout every corner of Maryland, so obtaining this required training is not difficult.

SB0309 will allow someone who has not had any handgun safety training to get a preliminary handgun permit and have a new handgun for 120 days before taking the required training. That's 4 months in which the untrained new handgun owner will put him/herself, family members, neighbors, and community members at risk. This is just dangerous. Despite much of the national focus on homicide gun deaths, roughly two-thirds of all firearm-related deaths are suicides.

SB0309 will also create a lot of new paperwork and costly follow-up requirements for handgun owners and dealers, as well as the State Police, who will then have to track each new preliminary approval permit and verify that the new owner does, in fact, take the required training in the required 120-day period. Retrieving a handgun from new owners who do not take the training during the specified 120-day period will also be a new burden on Maryland State Police.

Therefore, DTMG strongly opposes SB0309 and urges an **UNFAVORABLE** report on this bill.

Respectfully submitted,

Olivia Bartlett
Co-Lead, DoTheMostGood Maryland Team
oliviabartlett@verizon.net
240-751-5599

2021-01-19 SB 309 (Oppose).pdf

Uploaded by: Jung, Roy

Position: UNF

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

410-576-6584

January 19, 2021

To: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

From: Office of the Attorney General

Re: **SB0309 – Handgun Permit – Preliminary Approval – Letter of Opposition**

The Office of the Attorney General urges Judicial Proceedings Committee to unfavorably report SB 309. Maryland's wear, carry, and transport handgun law is a carefully crafted compromise that has withstood judicial challenges. Among other things, current law ensures that handgun purchasers have completed a certified firearms training course to help ensure that those who possess firearms know how to do so safely.

Senate Bill 309, however, would require the Secretary of the State Police to issue a preliminary approval of any applicants wear, carry, and transport application while providing the applicant 120 days after receipt of preliminary approval to take the required safety class. This is a classic instance of putting the cart before the horse. We should, of course, require handgun training before granting preliminary handgun wear, carry, or transport approvals. Otherwise, someone who is unskilled and untrained in the safe possession of firearms could spend upwards of four months wearing, carrying, or transporting the firearm before completing necessary and effective public safety training.

For all of the foregoing reasons, the Office of Attorney General urges an unfavorable report on SB 309.

cc: Committee Members

2021-01-19 SB 309 (Oppose).pdf

Uploaded by: Sakamoto-Wengel, Steven

Position: UNF

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.

WRITER'S DIRECT DIAL NO.

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Chair, Judicial Proceedings Committee

From: Office of the Attorney General

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