



President
Mark W. Pennak

March 2, 2022

**WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT,
MARYLAND SHALL ISSUE,
IN SUPPORT OF HB 1288**

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan, non-profit 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 retired from the United States Department of Justice, where I practiced law for 33 years in all of 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 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 and personal protection in the home and outside the home and muzzle loading. I appear today as President of MSI IN SUPPORT OF HB 1288.

The Bill: This bill would amend MD Code, Public Safety, § 5-304. That Section sets out fees charged by the State of Maryland in connection with an application for a wear and carry permit issued by the Maryland State Police for the wear, carry or transport of a handgun under MD Code, Public Safety, § 5-306. Those fees are “(i) \$75 for an initial application; (ii) \$50 for a renewal or subsequent application; and (iii) \$10 for a duplicate or modified permit”. See Section 5-304(b)(2). Subsection 5-304(d) provides that the Secretary of the State Police may not charge a fee otherwise imposed by Section 5-304 for “a State, county, or municipal public safety employee” who is required to carry a firearm as a condition of employment, or to a “retired law enforcement officer of the State or a county or municipal corporation of the State.”

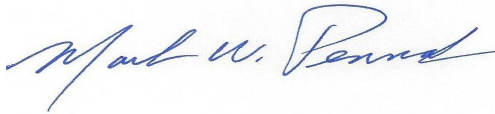
The bill would add to that list A DISABLED PERSON, and would thus prohibit the Secretary from charging fees to a disabled person. For the sake of clarity, the bill also amends MD Code, Public Safety, § 5-301 to define a “disabled person” for these purposes, providing that a disabled person is a person who (1) HAS BEEN CERTIFIED AS DISABLED BY A UNIT OF THE STATE OR THE UNITED STATES THAT CLASSIFIES DISABLED INDIVIDUALS; AND (2) IS A RESIDENT OF THE STATE. The bill makes no modification to the requirements for a permit otherwise imposed by Section 5-306.

Discussion: This bill makes sense. People with disabilities are often uniquely susceptible to physical attack precisely because their disability may hinder or impede their ability to defend themselves. See <https://bit.ly/3BVcvEI>. As such, the State Police recognize that such individuals may well qualify for a wear and carry

permit. Yet, such disabilities may also often contribute to financial hardship. Persons should not be forced to choose between their need for self-defense and their ability to otherwise provide for themselves. The amounts involved are relatively small but may well be significant to a person with disabilities. Nothing in this bill would amend or change the rigorous training requirements otherwise imposed by Section 5-306(a)(5), including the requirement that the applicant demonstrate, through a scored course of live fire, “proficiency and use of the firearm.” See Section 306-5(a)(5)(ii). Nothing in the bill would change the requirement, imposed by Section 5-306(b)(6), that the applicant demonstrate, to the satisfaction of the State Police, a “good and substantial reason” for the issuance of a carry permit. The only thing that would change is that the person with State-recognized disabilities would be spared the \$75 initial application fee, the \$50 renewal fee and the \$10 fee for a modified permit. That is a small price for the State to pay to assist such persons.

We urge a favorable report.

Sincerely,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Pennak
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