

UNOFFICIAL COPY OF SENATE BILL 1

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SENATE BILL 1

3lr0330

(PRE-FILED)

By: **Senators Waldstreicher and Lee**

Requested: August 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; ~~prohibiting a person from knowingly wearing, carrying, or transporting~~
7 ~~a firearm within a certain distance of a certain place of public accommodation~~ prohibiting a
person from wearing, carrying, or transporting a firearm under certain circumstances and in certain
locations; altering requirements relating to obtaining a permit to wear, carry, or transport a
firearm; and
8 generally relating to restrictions on wearing, carrying, or transporting firearms.

BY repealing

Article - Criminal Law
Section 4-208
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article - Criminal Law
Section 4-203
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

9 BY adding to

10 Article - Criminal Law
11 Section 4-111 and 4-112
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2022 Supplement)

14 ~~BY repealing and reenacting, without amendments,~~

15 ~~Article - State Government~~
16 ~~Section 20-301~~
17 ~~Annotated Code of Maryland~~
18 ~~(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, with amendments,

Article - Public Safety
Section 5-304, 5-306, 5-310, 5-311, and 5-312
Annotated Code of Maryland
(2022 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 4-208 of Article -
Criminal Law of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That

20 That the Laws of Maryland read as follows:

21 **Article - Criminal Law**

4-203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State;

(iii) [violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

~~(v)~~ (IV) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

(iv) a correctional officer or warden of a correctional facility in the State;

(v) a sheriff or full-time assistant or deputy sheriff of the State; or

(vi) a temporary or part-time sheriff's deputy;

(2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;

(3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is

unloaded and carried in an enclosed case or an enclosed holster:

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases:

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment:

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

(i) the handgun is unloaded;

(ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and

(iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title[;

(i) except as provided in item (ii) of this paragraph,] the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than \$250 and not exceeding \$2,500 or both[; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days].

(3) (i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title[;

1. except as provided in item 2 of this subparagraph], the person is subject to imprisonment for not less than 1 year and not exceeding 10 years[; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years].

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection [(a)(1)(v)] (A)(1)(IV) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article,

if the person violates subsection [(a)(1)(v)] (A)(1)(IV) of this section, the person is not eligible for parole during the mandatory minimum sentence.

[(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.]

(4) (i) If the person has previously been convicted more than once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any combination of these crimes[:

1. except as provided in item 2 of this subparagraph.] the person is subject to imprisonment for not less than 3 years and not exceeding 10 years[: or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B.] 2. if the person violates subsection [(a)(1)(iv)] (A)(1)(III) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection [(a)(1)(v)] (A)(1)(IV) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection [(a)(1)(v)] (A)(1)(IV) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

22 4-111.

23 (A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 4-104 OF

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1 THIS SUBTITLE.

2 (B) THIS SECTION DOES NOT APPLY TO:

3 (1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
4 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
5 SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR
6 THROUGH THE REAL PROPERTY;

7 (2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON
8 A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A
9 SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE
10 REAL PROPERTY BY:

11 (I) THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY,
12 SERVITUDE, OR OTHER INTEREST; OR

13 (II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,
14 RIGHT-OF-WAY, SERVITUDE, OR OTHER INTEREST; OR

15 (3) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION
16 OF THE STATE.

17 (C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A
18 FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN
19 EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO
20 WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.

21 (D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY
22 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR.

24 4-112.

25 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
26 ~~INDICATED.~~

27 (2) ~~"FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS~~
28 ~~SUBTITLE.~~

29 (3) ~~"PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING~~
30 ~~STATED IN § 20-301 OF THE STATE GOVERNMENT ARTICLE.~~

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1 ~~(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A~~
 2 ~~FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.~~

3 ~~(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY~~
 4 ~~OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT~~
 5 ~~EXCEEDING 1 YEAR.~~

6 ~~Article—State Government~~

7 ~~20-301.~~

8 ~~In this subtitle, "place of public accommodation" means:~~

9 (1) ~~an inn, hotel, motel, or other establishment that provides lodging to~~
 10 ~~transient guests;~~

11 (2) ~~a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or~~
 12 ~~other facility principally engaged in selling food or alcoholic beverages for consumption on~~
 13 ~~or off the premises, including a facility located on the premises of a retail establishment or~~
 14 ~~gasoline station;~~

15 (3) ~~a motion picture house, theater, concert hall, sports arena, stadium, or~~
 16 ~~other place of exhibition or entertainment;~~

17 (4) ~~a retail establishment that:~~

18 (i) ~~is operated by a public or private entity; and~~

19 (ii) ~~offers goods, services, entertainment, recreation, or~~
 20 ~~transportation; or~~

21 (5) ~~an establishment:~~

22 (i) ~~1. that is physically located within the premises of any other~~
 23 ~~establishment covered by this subtitle; or~~

24 ~~2. within the premises of which any other establishment~~
 25 ~~covered by this subtitle is physically located; and~~

26 (ii) ~~that holds itself out as serving patrons of the covered~~
 27 ~~establishment.~~

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS TITLE.

(3) "PUBLIC CONVEYANCE" MEANS A CONVEYANCE TO WHICH THE PUBLIC OR A PORTION OF THE PUBLIC HAS ACCESS TO AND A RIGHT TO USE FOR TRANSPORTATION.

(II) "PUBLIC CONVEYANCE" INCLUDES:

- 1. AN AIRPLANE;**
- 2. A VESSEL;**
- 3. A BUS;**
- 4. A RAILWAY CAR;**
- 5. A SCHOOL VEHICLE;**

6. A SUBWAY CAR OR STREETCAR; AND

7. A MOTOR VEHICLE REQUIRED TO BE REGISTERED UNDER TITLE 13 OF THE TRANSPORTATION ARTICLE.

(4) (I) "PUBLIC CONVEYANCE TERMINAL" MEANS A FACILITY INTENDED FOR BOARDING OR EXITING A PUBLIC CONVEYANCE.

(II) "PUBLIC CONVEYANCE TERMINAL" INCLUDES:

1. AN AIRPORT AS DEFINED IN § 5-101 OF THE TRANSPORTATION ARTICLE;

2. A BUS STATION;

3. A RAILWAY STATION;

4. A SUBWAY STATION; AND

5. A FERRY DOCK OR STATION.

(B) THIS SECTION DOES NOT APPLY TO:

(1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE STATE, OR A COUNTY OR CITY OF THE STATE;

(2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR OF THE NATIONAL GUARD ON DUTY OR TRAVELING TO OR FROM DUTY;

(3) A LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE OR SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL BUSINESS;

(4) A CORRECTIONAL OFFICER OR WARDEN OF A CORRECTIONAL FACILITY IN THE STATE;

(5) A SHERIFF OR FULL-TIME ASSISTANT OR DEPUTY SHERIFF OF THE STATE;

(6) AN OFF-DUTY LAW ENFORCEMENT OFFICIAL OR A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT OFFICIAL IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL UNIT IN THE STATE, IF:

(I) THE OFFICIAL OR PERSON IS DISPLAYING TO OFFICIAL OR PERSON'S BADGE OR CREDENTIAL;

(II) THE FIREARM CARRIED OR POSSESSED BY THE OFFICIAL OR PERSON IS CONCEALED; AND

(III) THE OFFICIAL OR PERSON IS AUTHORIZED TO CARRY A HANDGUN UNDER THE LAWS OF THE STATE OR THE UNITED STATES;

(7) FOR A LOCATION THAT IS NOT OWNED BY, LEASED BY, OR OTHERWISE UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, A PERSON WHO IS AUTHORIZED BY THE OWNER OR LESSEE OF THE LOCATION TO WEAR, CARRY, OR TRANSPORT A FIREARM AT THE LOCATION FOR THE PURPOSE OF:

(I) EMPLOYMENT AS A SECURITY GUARD LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS ARTICLE; OR

(II) PROTECTING ANY INDIVIDUAL OR PROPERTY AT THE LOCATION WITHOUT REMUNERATION OR COMPENSATION;

(8) A PERSON WHO TRANSPORTS A FIREARM ON A PUBLIC CONVEYANCE OR WITHIN A PUBLIC CONVEYANCE TERMINAL IF:

(I) THE FIREARM:

1. IS UNLOADED; AND

2. IS CARRIED IN AN ENCLOSED, LOCKED CASE OR OTHER CONTAINER; AND

(II) THE PERSON POSSESSES A VALID PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN, ISSUED UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; OR

(9) A LOCATION BEING USED WITH THE PERMISSION OF THE PERSON THAT OWNS, LEASES, OR CONTROLS THE LOCATION FOR:

(I) AN ORGANIZED SHOOTING ACTIVITY FOR EDUCATIONAL PURPOSES;

OR

(II) A HISTORICAL DEMONSTRATION USING A FIREARM.

(C) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM ON OR WITHIN:

(1) A PUBLIC CONVEYANCE;

(2) A PUBLIC CONVEYANCE TERMINAL;

(3) A LOCATION REQUIRED TO BE LICENSED TO SELL OR DISPENSE ALCOHOL OR CANNABIS FOR ONSITE CONSUMPTION;

(4) A LOCATION OWNED OR LEASED BY OR UNDER THE CONTROL OF A PUBLIC OR PRIVATE:

(I) CHILD CARE CENTER AS DEFINED IN § 9.5-401 OF THE EDUCATION ARTICLE;

(II) CAMP FOR CHILDREN;

(III) PRESCHOOL; OR

(IV) NURSERY SCHOOL;

(5) A LOCATION OWNED OR LEASED BY OR UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, INCLUDING:

(I) THE STATE CAPITOL;

(II) GOVERNMENT HOUSE;

(III) A COURTHOUSE;

(IV) A LAW ENFORCEMENT AGENCY;

(V) A STATE CORRECTIONAL FACILITY OR A LOCAL CORRECTIONAL FACILITY AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE;

(VI) A LIBRARY;

(VII) A PUBLIC INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10-13A-01 OF THE STATE GOVERNMENT ARTICLE;

(VIII) A PUBLIC PRIMARY OR SECONDARY SCHOOL;

(IX) A REST AREA WITHIN THE RIGHT OF WAY OF AN INTERSTATE HIGHWAY;

(6) A PRIVATE INSTITUTION OF HIGHER EDUCATION;

(7) A LOCATION THAT IS OPEN TO THE PUBLIC OR A PORTION OF THE PUBLIC AND IS USED AS:

(I) A PARK;

(II) A PLAYGROUND;

(III) AN ATHLETIC FACILITY;

(IV) A RECREATIONAL AREA;

(V) A THEATER;

(VI) A STADIUM;

(V) A MUSEUM;

(VI) A ZOO;

(VII) A SPORTS ARENA;

(VIII) A CONCERT VENUE;

(IX) A RACETRACK;

(X) A FAIRGROUND;

(XI) A CONFERENCE CENTER;

(XII) A MULTIPURPOSE EXHIBITION FACILITY

(8) A LOCATION THAT IS OWNED OR LEASED BY OR UNDER THE CONTROL OF A HEALTH CARE FACILITY AS DEFINED IN § 15-10B-01 OF THE INSURANCE ARTICLE AND IS REGULARLY USED FOR THE EVALUATION, TREATMENT, OR RECOVERY OF PATIENTS, INCLUDING:

(I) A NURSING HOME;

(II) A HOSPITAL;

(III) A RESIDENTIAL CARE HOME; AND

(IV) A GROUP HOME;

(9) A VIDEO LOTTERY FACILITY AS DEFINED IN § 9-1A-01 OF THE STATE GOVERNMENT ARTICLE;

(10) A LOCATION THAT IS BEING USED AS A POLLING PLACE IN ACCORDANCE WITH TITLE 10 OF THE ELECTION LAW ARTICLE OR FOR CANVASING BALLOTS IN ACCORDANCE WITH TITLE 11 OF THE ELECTION LAW ARTICLE;

(11) A LOCATION THAT IS BEING USED AS A SHELTER FOR:

(I) HOMELESS INDIVIDUALS;

(II) INDIVIDUALS DISPLACED BY AN EMERGENCY AS DEFINED IN § 14-101 OF THE PUBLIC SAFETY ARTICLE;

(III) VICTIMS OF DOMESTIC VIOLENCE; OR

(IV) RUNAWAY YOUTH;

(12) AN ELECTRIC PLANT OR ELECTRIC STORAGE FACILITY AS DEFINED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE;

(13) THE GROUNDS OF A LOCATION IDENTIFIED IN ITEMS (2) THROUGH (12) OF THIS SUBSECTION;

(14) WITHIN 100 FEET OF A PLACE WHERE A PUBLIC GATHERING, DEMONSTRATION, OR EVENT WHICH REQUIRES A PERMIT FROM THE LOCAL GOVERNING BODY IF SIGNS POSTED BY A LAW ENFORCEMENT AGENCY CONSPICUOUSLY AND REASONABLY INFORM MEMBERS OF THE PUBLIC THAT THE WEARING, CARRYING, AND TRANSPORTATION OF FIREARMS IS PROHIBITED; OR

(15) AT AN ORGANIZED ATHLETIC COMPETITION AT WHICH THE PARTICIPANTS ARE ALL MINORS.

(D) A PERSON MAY NOT VIOLATE SUBSECTION (C) OF THIS SECTION WITH A WANTON, WILLFUL, AND RECKLESS DISREGARD FOR HUMAN LIFE.

(E) (1) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, IMPRISONMENT NOT EXCEEDING 3 MONTHS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.

Article - Public Safety

5-304.

(a) (1) An application for a permit shall be made under oath.

(2) THE APPLICATION SHALL BE IN A FORM PRESCRIBED BY THE SECRETARY AND SHALL INCLUDE:

(I) THE APPLICANT'S:

1. FULL LEGAL NAME;
2. ALIASES OR NAMES PREVIOUSLY USED;
3. DATE OF BIRTH;
4. SEX;
5. ADDRESS;
6. OCCUPATION;
7. PLACE OF BUSINESS OR EMPLOYMENT; AND
8. PHYSICAL DESCRIPTION;

(II) ANY OTHER INFORMATION ABOUT THE APPLICANT THAT THE SECRETARY DETERMINES IS NECESSARY TO DETERMINE THE APPLICANT'S ELIGIBILITY FOR A PERMIT;

(III) A WAIVER OF PRIVILEGE OR CONFIDENTIALITY FOR RECORDS ABOUT THE APPLICANT, INCLUDING HEALTH RECORDS.

(3) THE APPLICATION SHALL BE ENDORSED BY AT LEAST FOUR

INDIVIDUALS WHO:

(I) ARE REPUTABLE;

(II) ARE NOT RELATED TO THE APPLICANT BY BLOOD OR LAW;

AND

(III) HAVE PERSONALLY KNOWN THE APPLICANT FOR AT LEAST 3 YEARS BEFORE THE DATE THAT THE APPLICANT SUBMITS THE APPLICATION.

(4) AN INDIVIDUAL WHO ENDORSES THE APPLICATION UNDER PARAGRAPH (3) OF THIS SUBSECTION SHALL:

(I) DESCRIBE IN THE APPLICATION THE NATURE AND EXTENT OF THE INDIVIDUAL'S RELATIONSHIP WITH THE APPLICANT;

(II) STATE WHETHER THE INDIVIDUAL KNOWS THE APPLICANT TO HAVE A PROPENSITY FOR VIOLENCE OR INSTABILITY;

(III) STATE WHETHER THE INDIVIDUAL BELIEVES THE APPLICANT'S POSSESSION OF A HANDGUN POSES A DANGER TO THE APPLICANT OR OTHERS BEYOND THE APPLICANT'S POTENTIAL USE OF A HANDGUN FOR SELF DEFENSE;

(IV) STATE WHETHER THE INDIVIDUAL KNOWS OF OR HAS OBSERVED THE APPLICANT USE ILLEGAL DRUGS OR ALCOHOL AND, IF APPLICABLE, TO WHAT EXTENT THE APPLICANT HAS USED ILLEGAL DRUGS OR ALCOHOL.

(5) THE APPLICANT SHALL MEET IN PERSON WITH THE SECRETARY BEFORE THE SECRETARY MAY ISSUE A PERMIT TO THE APPLICANT.

(b) (1) Subject to subsections (c) and (d) of this section, the Secretary may charge a nonrefundable fee payable when an application is filed for a permit.

(2) The fee may not exceed:

(i) \$75 for an initial application;

(ii) \$50 for a renewal or subsequent application; and

(iii) \$10 for a duplicate or modified permit.

(3) The fees under this subsection are in addition to the fees authorized under § 5-305 of this subtitle.

(c) The Secretary may reduce the fee under subsection (b) of this section accordingly for a permit that is granted for one day only and at one place only.

(d) The Secretary may not charge a fee under subsection (b) of this section to:

(1) a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or

(2) a retired law enforcement officer of the State or a county or municipal corporation of the State.

(e) The applicant shall pay a fee under this section by an electronic check, a credit card, or a method of online payment approved by the Secretary.

5-306.

(a) Subject to subsection (c) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds IS:

(1) [is an adult] AT LEAST 21 YEARS OF AGE;

(2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR THE

NATIONAL GUARD:

(3) EMPLOYED AS A LAW ENFORCEMENT OFFICER; OR

(4) AT LEAST 18 YEARS OF AGE AND IS REQUIRED TO WEAR, CARRY, OR TRANSPORT A HANDGUN AS A CONDITION OF THE PERSON'S EMPLOYMENT.

[2] (5) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or

(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);

[3] (6) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

[4] (7) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction;

[5] (8) IS NOT OTHERWISE PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL LAW;

(9) except as provided in subsection (b) of this section, has successfully completed prior to application and each renewal, a firearms training course approved by the Secretary that includes:

(i) 1. for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor; or

2. for a renewal application, 8 hours of instruction by a qualified handgun instructor;

(ii) classroom instruction on:

1. State AND FEDERAL firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation;

4. LAWS CONCERNING SELF-DEFENSE, INCLUDING THE JUSTIFIABLE USE OF FORCE, USE OF DEADLY FORCE, AND THE DUTY TO RETREAT;

5. CONFLICT DE-ESCALATION AND CONFLICT RESOLUTION;
and

(iii) [a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm] SHOOTING EXERCISES USING LIVE AMMUNITION WHICH DEMONSTRATE THE APPLICANT'S ABILITY TO:

1. SAFELY HANDLE A HANDGUN;

2. SHOOT ACCURATELY AT A TARGET AT DISTANCES AND UNDER CIRCUMSTANCES DETERMINED BY THE SECRETARY; and

[6] (10) based on an investigation[:

(i) has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to [another; and

(ii) has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger] ANOTHER, EXCEPT FOR THE APPLICANT'S LAWFUL USE OF

A FIREARM FOR SELF-DEFENSE.

(b) An applicant for a permit is not required to complete a certified firearms training course under subsection (a) of this section if the applicant:

(1) 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;

(2) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;

(3) is a qualified handgun instructor; or

(4) has completed a firearms training course approved by the Secretary.

(c) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

(2) adjudicated delinquent by a juvenile court for:

(i) an act that would be a crime of violence if committed by an adult;

(ii) an act that would be a felony in this State if committed by an adult;

or

(iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.

(d) The Secretary may issue a handgun qualification license, without an additional application or fee, to a person who:

(1) meets the requirements for issuance of a permit under this section;

and

(2) does not have a handgun qualification license issued under § 5-117.1 of this title.

(E) IN CONDUCTING A BACKGROUND INVESTIGATION OF THE APPLICANT UNDER SUBSECTION (A) OF THIS SECTION, THE SECRETARY SHALL ALSO CONSIDER:

(1) WHETHER THE APPLICANT HAS A HISTORY OF MAKING THREATS OF OR COMMITTING ACTS OF VIOLENCE THAT MAY INDICATE THE APPLICANT IS LIKELY TO ENGAGE IN CONDUCT OTHER THAN LAWFUL SELF-DEFENSE, THAT WOULD POSE A DANGER TO THE APPLICANT OR OTHERS;

(2) WHETHER THE APPLICANT HAS PREVIOUSLY BEEN SUBJECT TO ARREST OR CHARGES FOR CRIMINAL ACTS THAT WOULD HAVE DISQUALIFIED THE APPLICANT FROM POSSESSING A FIREARM IF THE APPLICANT HAD BEEN CONVICTED;

(3) WHETHER THE APPLICANT HAS EXPERIENCED MENTAL HEALTH ISSUES THAT MAY LEAD TO SUICIDAL OR VIOLENT TENDENCIES;

(4) WHETHER THE APPLICANT HAS PREVIOUSLY USED DRUGS OR ALCOHOL;

(5) STATEMENTS ABOUT THE APPLICANT BY LAW ENFORCEMENT OFFICIALS IN A JURISDICTION WHERE THE APPLICANT RESIDES OR IS EMPLOYED;

(6) ANY OTHER INFORMATION THAT THE SECRETARY DETERMINES IS RELEVANT TO ASSESSING WHETHER THE APPLICANT IS QUALIFIED FOR A PERMIT.

[(a)] A permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

[(b)] The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective.]

5-310.

(a) (1) The Secretary [may] SHALL revoke a permit on a finding that the holder[:

(1)] does not meet the qualifications described in § 5-306 of this subtitle; or

(2) **THE SECRETARY MAY REVOKE A PERMIT ON A FINDING THAT THE HOLDER violated § 5-308 of this subtitle.**

(b) A holder of a permit that is revoked by the Secretary shall return the permit to the Secretary within 10 days after receipt of written notice of the revocation.

(c) (1) **THE CENTRAL REPOSITORY SHALL PROMPTLY INFORM THE SECRETARY OF WHETHER A PERMIT HOLDER HAS BEEN CHARGED WITH OR CONVICTED OF A CRIME FOR WHICH THE PERMIT HOLDER IS NO LONGER QUALIFIED TO POSSESS A PERMIT UNDER § 5-306 OF THIS SUBTITLE.**

(d) **ON A FINDING THAT A PERMIT HOLDER IS NO LONGER ELIGIBLE TO POSSESS A FIREARM, THE SECRETARY SHALL TAKE REASONABLE STEPS TO FACILITATE THE SURRENDER OR SEIZURE OF FIREARMS POSSESSED BY THE PERMIT HOLDER.**

5-311.

(a) (1) **IF THE SECRETARY DENIES AN APPLICATION, THE SECRETARY SHALL PROVIDE THE APPLICANT WITH A DETAILED WRITTEN EXPLANATION FOR DENIAL.**

(2) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action.

(b) An informal review:

(1) may include a personal interview of the person who requested the informal review; [and]

(2) is not subject to Title 10, Subtitle 2 of the State Government Article; AND

(3) **SHALL INCLUDE A DETAILED WRITTEN EXPLANATION OF THE RESULT OF THE INFORMAL REVIEW AND THE REASON OR REASONS SUPPORTING THE RESULT.**

(c) In an informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the person who requested the informal review of the decision in writing within 30 days after receipt of the request for informal review.

(d) A person need not file a request for an informal review under this section before requesting review under § 5-312 of this subtitle.

5-312.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked [or limited] may request to appeal the decision of the Secretary to the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings within 10 days after receipt of written notice of the Secretary's final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing before the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings.

(b) (1) Within 60 days after the receipt of a request under subsection (a) of this section from the applicant or the holder of the permit, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the matter, at which witness testimony and other evidence may be provided.

(2) Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a WRITTEN finding of facts and a decision.

(3) A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

(c) (1) Subject to subsection (b) of this section, any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.

(d) (1) On or before [January 1, 2019, 2020, 2021, and 2022.] JANUARY 1 EACH YEAR, the SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT'S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER:

(I) THE TOTAL NUMBER OF PERMIT APPLICATIONS MADE UNDER § 5-304 OF THIS SUBTITLE WITHIN THE PREVIOUS YEAR;

(II) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE SECRETARY GRANTED IN THE PREVIOUS YEAR;

(III) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE SECRETARY DENIED IN THE PREVIOUS YEAR;

(IV) THE TOTAL NUMBER OF PERMITS THAT WERE REVOKED IN THE PREVIOUS YEAR; AND

(V) THE TOTAL NUMBER OF PERMITS THAT ARE PENDING BEFORE THE SECRETARY.

(2) ON OR BEFORE JANUARY 1 EACH YEAR, THE Office of Administrative Hearings shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT'S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER:

[(1)] (I) the number of appeals of decisions by the Secretary that have been filed with the Office of Administrative Hearings within the previous year;

[(2)] (II) the number of decisions by the Secretary that have been sustained, modified, or reversed by the Office of Administrative Hearings within the previous year;

[(3)] (III) the number of appeals that are pending;
and

[(4)] (IV) the number of appeals that have been withdrawn within the previous year.

28 SECTION ~~2~~ 3, AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2023.