



**2A Maryland**

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## **Senate Bill 501**

### **Handguns - Wear, Carry, and Transport Laws - Handbook Publication FAVORABLE**

During the 2023 Session, *House Bill 824 Public Safety - Regulated Firearms - Possession and Permits to Carry, Wear, and Transport a Handgun* was amended in the Senate Judicial Proceedings Committee with the intent that the Office of the Attorney General would play an active role in creating a clear and concise document on Maryland gun laws applicable to wear and carry permits. Unfortunately, the bill drafter's language shifted the responsibility to the Maryland State Police who are not the subject matter experts.

The intent of this bill is to compel the Attorney General to become an active partner and participant in providing information on the Maryland gun laws which directly apply to the legal wear and carry of handguns by Maryland citizens who chose to be responsible for their own personal defense and the defense of their families. As of December 31, 2023, there were 175,632 active wear and carry permit holders in Maryland.

The Attorneys General in other states have developed similar documents for the benefit of their citizens. These documents are available on-line and thus there are no printing or distribution costs.

It would be beneficial to instructors and permit applicants alike if the Public Safety Article subsections §5-306 (a-1) 5 through 10 were deleted from the statute. These topics are not germane to the wear and carry of handguns and serve only to make the class longer and less productive by burdening both the instructors and their students with an overload of unrelated information.

John H. Josselyn  
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02/09/2024

Attachments (2)



SB0501/583122/1

<p>AMENDMENTS PREPARED BY THE DEPT. OF LEGISLATIVE SERVICES</p> <p>08 FEB 24 09:05:15</p>
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BY: Senator McKay  
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 501  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Secretary of State Police” and substitute “Office of the Attorney General”; in the same line, after “publish” insert “in print”; in line 4, after “Secretary” insert “of State Police”; in the same line, after the second “to” insert “certain permit holders and”; and in line 5, after “public” insert “in a certain manner”.

AMENDMENT NO. 2

On page 1, in line 16, strike “(1)”; in line 17, strike the comma and substitute “:

(1);

in the same line, strike “SECRETARY” and substitute “OFFICE OF THE ATTORNEY GENERAL”; in the same line, after “PUBLISH” insert “IN PRINT”; in line 18, after “STATE” insert “AND FEDERAL”; in the same line, after “LAWS” insert “AND CASE LAW”; in line 19, after “STATE” insert “IN A USER-FRIENDLY, NONTECHNICAL FORMAT THAT IS SUITABLE FOR USE BY INDIVIDUALS AUTHORIZED TO TEACH THE TRAINING COURSES REQUIRED UNDER THIS TITLE”; in the same line, strike the period and substitute “; AND”; in line 20, strike “THE” and substitute “THE”; in line 21, after “TO” insert “:

(I) ALL ACTIVE PERMIT HOLDERS BY E-MAIL; AND

(II);

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**McKay**

and in line 21, after "PUBLIC" insert "**BY POSTING A HYPERLINK ON THE WEBSITE FOR THE DEPARTMENT OF STATE POLICE**".

**Article - Public Safety**

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**§5–306.**

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

- (1) (i) is at least 21 years old; or  
(ii) is a person who is a member of the armed forces of the United States, the National Guard, or the uniformed services;
- (2) (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) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;
- (4) is not on supervised probation for:
  - (i) conviction of a crime punishable by imprisonment for 1 year or more;
  - (ii) a violation of § 21–902(b) or (c) of the Transportation Article; or
  - (iii) violating a protective order under § 4–509 of the Family Law Article;
- (5) 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;
- (6) does not suffer from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article and have a history of violent behavior against the person or another;
- (7) has not been involuntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

(8) is not a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article;

(ii) a current extreme risk protective order has been entered under § 5–601 of this title; or

(iii) any other type of current court order has been entered prohibiting the person from purchasing or possessing firearms;

(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 meets the minimum criteria specified in subsection (a–1) of this section; and

(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) is not otherwise prohibited by State or federal law from purchasing or possessing a handgun.

(a–1) The firearms training course required under subsection (a) of this section shall include:

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

(ii) for a renewal application, 8 hours of in–person instruction by a qualified handgun instructor;

(2) classroom instruction on:

(i) State and federal firearm laws, including laws relating to:

1. self–defense;
2. defense of others;
3. defense of property;

4. the safe storage of firearms;
5. the circumstances under which an individual becomes prohibited from possessing a firearm under State and federal law, including becoming a respondent against whom:
  - A. a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;
  - B. an order for protection, as defined in § 4-508.1 of the Family Law Article, has been issued by a court of another state or a Native American tribe and is in effect; or
  - C. a current extreme risk protective order has been entered under Subtitle 6 of this title;
6. the requirements and options for surrendering, transferring, or otherwise disposing of a firearm after becoming prohibited from possessing a firearm under State or federal law;
7. the requirements for reporting a loss or theft of a firearm to a law enforcement agency as required by § 5-146 of this title;
8. the firearms and firearm accessories which are banned under State and federal law;
9. the types of firearms that require a special permit or registration to acquire or possess under State or federal law;
10. the law prohibiting straw purchases;
11. the law concerning armed trespass under § 6-411 of the Criminal Law Article; and
12. the locations where a person is prohibited from possessing a firearm regardless of whether the person possesses a permit issued under this subtitle;
  - (ii) home firearm safety;
  - (iii) handgun mechanisms and operations;
  - (iv) conflict de-escalation and resolution;

(v) anger management; and

(vi) suicide prevention; and

(3) a firearm qualification component that includes live–fire shooting exercise on a firing range and requires the applicant to demonstrate:

(i) safe handling of a handgun; and

(ii) shooting proficiency with a handgun.

(a–2) The Secretary, in consultation with the Office of the Attorney General and the Department of Health, shall develop, publish, update, and distribute to all State–certified firearms instructors a curriculum of instruction for the topics required for classroom instruction in subsection (a–1) of this section.

(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) (1) The Secretary may not issue a permit to a person if the person:

(i) has been convicted on or after October 1, 2023, of a second or subsequent violation of § 4–104 of the Criminal Law Article; or

(ii) has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by a minor causing death or serious bodily injury to the minor or another person.

(2) Subject to paragraph (1) of this subsection, the Secretary may not issue a permit to a person who has been convicted on or after October 1, 2023, of a violation of § 4–104 of the Criminal Law Article for 5 years following the date of the conviction.

(e) 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.

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