

HOUSE BILL 1189

E4

8lr1223
CF SB 497

By: **Delegates Rey, Afzali, Angel, Ciliberti, Folden, Frush, Ghrist, Grammer, Kipke, Krebs, Malone, Mautz, McComas, McConkey, McDonough, McKay, Morgan, Reilly, Rose, Shoemaker, Szeliga, Vogt, and Wivell**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Protective Order and Peace Order**

3 FOR the purpose of requiring the Secretary of State Police to issue a handgun permit to a
4 person who is otherwise qualified and who is a person eligible for relief under a
5 certain protective order, who is under the protection of a certain order for protection,
6 or who is a petitioner under a certain peace order; requiring the Secretary to issue a
7 handgun permit for a certain applicant within a certain period of time; specifying
8 the expiration date for a handgun permit issued to a certain applicant; requiring the
9 Handgun Permit Review Board to review a certain record or conduct a certain
10 hearing within a certain amount of time after receiving a certain request from a
11 certain applicant; requiring the Board to sustain, reverse, or modify a certain
12 decision within a certain amount of time after reviewing a certain record or
13 conducting a certain hearing; and generally relating to handgun permits.

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 5–306, 5–309, and 5–312
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2017 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Public Safety**

22 5–306.

23 (a) Subject to [subsection (c)] **SUBSECTIONS (C) AND (E)** of this section, the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

2 (1) is an adult;

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

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

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

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

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

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

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

19 (ii) classroom instruction on:

20 1. State firearm law;

21 2. home firearm safety; and

22 3. handgun mechanisms and operation; and

23 (iii) a firearms qualification component that demonstrates the
24 applicant's proficiency and use of the firearm; and

25 (6) based on an investigation:

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

29 (ii) 1. has good and substantial reason to wear, carry, or
30 transport a handgun, such as a finding that the permit is necessary as a reasonable
31 precaution against apprehended danger; **OR**

1 **2. IS:**

2 **A. A PERSON ELIGIBLE FOR RELIEF UNDER A CURRENT**
3 **CIVIL PROTECTIVE ORDER ENTERED UNDER § 4-504.1, § 4-505, OR § 4-506 OF THE**
4 **FAMILY LAW ARTICLE;**

5 **B. UNDER THE PROTECTION OF A CURRENT ORDER FOR**
6 **PROTECTION, AS DEFINED IN § 4-508.1 OF THE FAMILY LAW ARTICLE, THAT HAS**
7 **BEEN ISSUED BY A COURT OF ANOTHER STATE OR A NATIVE AMERICAN TRIBE; OR**

8 **C. A PETITIONER UNDER A CURRENT PEACE ORDER**
9 **ENTERED UNDER TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE.**

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

12 (1) is a law enforcement officer or a person who is retired in good standing
13 from service with a law enforcement agency of the United States, the State, or any local
14 law enforcement agency in the State;

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

17 (3) is a qualified handgun instructor; or

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

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

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

23 (2) adjudicated delinquent by a juvenile court for:

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

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

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

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

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

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

4 **(E) THE SECRETARY SHALL ISSUE A PERMIT FOR AN APPLICANT SPECIFIED**
5 **IN SUBSECTION (A)(6)(II)2 OF THIS SECTION WITHIN 10 CALENDAR DAYS AFTER**
6 **RECEIPT OF THE APPLICATION.**

7 5–309.

8 (a) Except as provided in [subsection (d)] **SUBSECTIONS (D) AND (E)** of this
9 section, a permit expires on the last day of the holder’s birth month following 2 years after
10 the date the permit is issued.

11 (b) Subject to subsection (c) of this section, a permit may be renewed for
12 successive periods of 3 years each if, at the time of an application for renewal, the applicant
13 possesses the qualifications for the issuance of a permit and pays the renewal fee stated in
14 this subtitle.

15 (c) A person who applies for a renewal of a permit is not required to be
16 fingerprinted unless the Secretary requires a set of the person’s fingerprints to resolve a
17 question of the person’s identity.

18 (d) The Secretary may establish an alternative expiration date for a permit to
19 coincide with the expiration of a license, certification, or commission for:

20 (1) a private detective under Title 13 of the Business Occupations and
21 Professions Article;

22 (2) a security guard under Title 19 of the Business Occupations and
23 Professions Article; or

24 (3) a special police officer under § 3–306 of this article.

25 **(E) A PERMIT ISSUED TO AN APPLICANT SPECIFIED IN § 5–306(A)(6)(II)2 OF**
26 **THIS SUBTITLE EXPIRES 5 YEARS AFTER ISSUANCE.**

27 5–312.

28 (a) (1) A person who is denied a permit or renewal of a permit or whose permit
29 is revoked or limited may request the Board to review the decision of the Secretary by filing
30 a written request with the Board within 10 days after receipt of written notice of the
31 Secretary’s final action.

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

4 (b) (1) [Within] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
5 **SUBSECTION, WITHIN 90 days** after receiving a request to review a decision of the
6 Secretary, the Board shall:

7 [(1)] (I) review the record developed by the Secretary; or

8 [(2)] (II) conduct a hearing.

9 (2) **WITHIN 10 CALENDAR DAYS AFTER RECEIVING A REQUEST FROM**
10 **AN APPLICANT SPECIFIED IN § 5-306(A)(6)(II)2 OF THIS SUBTITLE TO REVIEW A**
11 **DECISION OF THE SECRETARY, THE BOARD SHALL:**

12 (I) **REVIEW THE RECORD DEVELOPED BY THE SECRETARY; OR**

13 (II) **CONDUCT A HEARING.**

14 (c) The Board may receive and consider additional evidence submitted by a party
15 in conducting a review of the decision of the Secretary.

16 (d) (1) Based on the Board's consideration of the record and any additional
17 evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

18 (2) If the action by the Board results in the denial of a permit or renewal of
19 a permit or the revocation or limitation of a permit, the Board shall submit in writing to
20 the applicant or the holder of the permit the reasons for the action taken by the Board.

21 (E) **IN THE CASE OF A REQUEST FROM AN APPLICANT SPECIFIED IN §**
22 **5-306(A)(6)(II)2 OF THIS SUBTITLE TO REVIEW A DECISION OF THE SECRETARY,**
23 **THE BOARD SHALL SUSTAIN, REVERSE, OR MODIFY THE DECISION OF THE**
24 **SECRETARY WITHIN 5 CALENDAR DAYS AFTER REVIEWING THE RECORD OR**
25 **CONDUCTING A HEARING.**

26 [(e)] (F) (1) Any hearing and any subsequent proceedings of judicial review
27 shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2018.