

HOUSE BILL 819

E4

8lr2424
CF 8lr0458

By: Delegates Atterbeary, Rosenberg, Ali, Anderson, Angel, Barkley, B. Barnes, D. Barnes, Barron, Barve, Branch, Brooks, Busch, Carr, Clippinger, Cullison, Davis, Dumais, Ebersole, Fennell, Frick, Frush, Gibson, Glenn, Gutierrez, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jones, Kaiser, Kelly, Knotts, Korman, Kramer, Krimm, Lafferty, Lam, J. Lewis, R. Lewis, Lierman, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Mosby, Patterson, Pena–Melnik, Pendergrass, Proctor, Queen, Reznik, Robinson, Sanchez, Sydnor, Tarlau, Turner, Valderrama, Valentino–Smith, Vallario, Waldstreicher, A. Washington, M. Washington, Wilkins, Wilson, and K. Young

Introduced and read first time: February 2, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permit Review Board – Repeal**

3 FOR the purpose of altering the process by which a person who is denied a certain handgun
4 permit or renewal of a permit or whose permit is revoked or limited by the Secretary
5 of State Police or the Secretary’s designee may appeal the decision; repealing
6 provisions of law relating to the Handgun Permit Review Board; providing that
7 appeals from a certain decision by the Secretary or the Secretary’s designee may be
8 made to the Office of Administrative Hearings in a certain manner; providing that a
9 person whose application for a certain permit or renewal of a permit is not acted on
10 by the Secretary within a certain period may request a certain hearing before the
11 Office of Administrative Hearings; making conforming changes; and generally
12 relating to handgun permits.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 5–301 and 5–312
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2017 Supplement)

18 BY repealing
19 Article – Public Safety
20 Section 5–302

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2017 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Public Safety
5 Section 5–311
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2017 Supplement)

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

10 **Article – Public Safety**

11 5–301.

12 (a) In this subtitle the following words have the meanings indicated.

13 [(b) “Board” means the Handgun Permit Review Board.]

14 [(c) (B) “Handgun” has the meaning stated in § 4–201 of the Criminal Law
15 Article.

16 [(d) (C) “Permit” means a permit issued by the Secretary to carry, wear, or
17 transport a handgun.

18 [(e) (D) “Qualified handgun instructor” has the meaning stated in § 5–101 of
19 this title.

20 [(f) (E) “Secretary” means the Secretary of State Police or the Secretary’s
21 designee.

22 [5–302.

23 (a) There is a Handgun Permit Review Board in the Department of Public Safety
24 and Correctional Services.

25 (b) The Board consists of five members appointed from the public by the Governor
26 with the advice and consent of the Senate.

27 (c) (1) The term of a member is 3 years.

28 (2) The terms of the members are staggered as required by the terms
29 provided for members of the Board on October 1, 2003.

30 (3) At the end of a term, a member continues to serve until a successor is

1 appointed and qualifies.

2 (4) A member who is appointed after a term has begun serves only for the
3 rest of the term and until a successor is appointed and qualifies.

4 (5) A member of the Board is eligible for reappointment.

5 (d) A member of the Board is entitled to:

6 (1) compensation in accordance with the State budget for each day that the
7 member actually is engaged in the discharge of the member's official duties; and

8 (2) reimbursement for expenses under the Standard State Travel
9 Regulations, as provided in the State budget.]

10 5-311.

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

15 (b) An informal review:

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

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

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

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

24 5-312.

25 (a) (1) A person who is denied a permit or renewal of a permit or whose permit
26 is revoked or limited may request [the Board to review] **TO APPEAL** the decision of the
27 Secretary **TO THE OFFICE OF ADMINISTRATIVE HEARINGS** by filing a written request
28 with the [Board] **SECRETARY** within 10 days after receipt of written notice of the
29 Secretary's final action.

30 (2) A person whose application for a permit or renewal of a permit is not
31 acted on by the Secretary within 90 days after submitting the application to the Secretary
32 may request a hearing before the [Board] **OFFICE OF ADMINISTRATIVE HEARINGS** by

1 filing a written request with the [Board] **SECRETARY**.

2 **[(b)]** Within 90 days after receiving a request to review a decision of the Secretary,
3 the Board shall:

4 (1) review the record developed by the Secretary; or

5 (2) conduct a hearing.

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

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

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

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

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

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