

HOUSE BILL 398

E4
HB 610/17 – JUD

8lr1266

By: **Delegates Saab, Impallaria, Afzali, Beitzel, Buckel, Carozza, Cassilly, Clark, Cluster, Corderman, Fisher, Hornberger, S. Howard, Kipke, Malone, Mautz, McConkey, McKay, Morgan, Parrott, Reilly, Rey, Szeliga, Vogt, and Wivell**
Introduced and read first time: January 24, 2018
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permit – Applicant Qualifications**

3 FOR the purpose of repealing the requirement that the Secretary of State Police find that
4 a person has a good and substantial reason to carry, wear, or transport a handgun
5 before issuing a handgun permit to the person; and generally relating to the issuing
6 of permits to carry, wear, or transport a handgun.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 5–306
10 Annotated Code of Maryland
11 (2011 Replacement Volume and 2017 Supplement)

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

14 **Article – Public Safety**

15 5–306.

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

18 (1) is an adult;

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

21 (ii) if convicted of a crime described in item (i) of this item, has been

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 pardoned or has been granted relief under 18 U.S.C. § 925(c);

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

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

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

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

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

14 (ii) classroom instruction on:

15 1. State firearm law;

16 2. home firearm safety; and

17 3. handgun mechanisms and operation; and

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

20 (6) based on an investigation[:

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

24 (ii) has good and substantial reason to wear, carry, or transport a
25 handgun, such as a finding that the permit is necessary as a reasonable precaution against
26 apprehended danger].

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

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

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

3 (3) is a qualified handgun instructor; or

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

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

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

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

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

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

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

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

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

18 (2) does not have a handgun qualification license issued under §
19 5-117.1 of this title.

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