

# HOUSE BILL 342

E4  
HB 647/18 – JUD

9lr0332

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By: **Delegates Reilly, Arikan, Buckel, Cassilly, Hornberger, Kipke, Mangione, Parrott, Rose, and Shoemaker**

Introduced and read first time: January 28, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Permit to Carry, Wear, or Transport a Handgun – Qualifications**

3 FOR the purpose of clarifying that personal protection or self–defense can qualify as a good  
4 and substantial reason to wear, carry, or transport a handgun for purposes of the  
5 issuance by the Secretary of State Police of a permit to carry, wear, or transport a  
6 handgun; declaring the intent of the General Assembly that certain funding be  
7 included in certain budget bills for a certain purpose; and generally relating to a  
8 permit to carry, wear, or transport a handgun.

9 BY repealing and reenacting, without amendments,  
10 Article – Public Safety  
11 Section 5–301(a) and (d)  
12 Annotated Code of Maryland  
13 (2011 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 5–306(a)  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume and 2018 Supplement)

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

### Article – Public Safety

22 5–301.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Permit" means a permit issued by the Secretary to carry, wear, or transport  
2 a handgun.

3 5-306.

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

6 (1) is an adult;

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

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

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

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

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

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

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

23 (ii) classroom instruction on:

24 1. State firearm law;

25 2. home firearm safety; and

26 3. handgun mechanisms and operation; and

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

29 (6) based on an investigation:

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

4 (ii) has good and substantial reason to wear, carry, or transport a  
5 handgun, such as **PERSONAL PROTECTION, SELF-DEFENSE, OR** a finding that the  
6 permit is necessary as a reasonable precaution against apprehended danger.

7 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
8 Assembly that the Governor include in the annual budget bill, for fiscal year 2020 and each  
9 fiscal year thereafter, an amount representing the increase in General Fund revenues  
10 realized from the increased number of permits to carry, wear, or transport a handgun  
11 issued as a result of this Act and the payment of associated fees, less increased General  
12 Fund expenditures for the Department of State Police to process additional permit  
13 applications, to fund school mental health programs administered by the Maryland  
14 Department of Health.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2019.