

HOUSE BILL 29

E4
HB 1036/17 – JUD

(PRE-FILED)

8lr0544
CF 8lr0545

By: **Delegates Rey, Afzali, Arentz, Carozza, Grammer, S. Howard, Impallaria, Krebs, Long, McKay, Parrott, Reilly, Rose, Saab, Shoemaker, Wivell, Fisher, Szeliga, Kipke, Folden, Vogt, Ciliberti, and Hornberger**

Requested: August 30, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Handgun Permit – Preliminary Approval**

3 FOR the purpose of authorizing a person to apply for preliminary approval of a handgun
4 permit without completing a certain firearm training requirement; requiring the
5 Secretary of State Police to investigate an application for a handgun permit to
6 determine if certain requirements have been satisfied; requiring the Secretary to
7 issue preliminary approval for a handgun permit if the applicant meets certain
8 requirements except for a certain firearm training requirement; requiring an
9 applicant to satisfy a certain firearm training requirement within a certain period of
10 time after receiving notice of preliminary approval of a handgun permit; requiring
11 the Secretary to revoke preliminary approval and deny a handgun permit if an
12 applicant does not fulfill a certain firearm training requirement within a certain
13 period of time; providing for the construction of this Act; and generally relating to
14 handgun permits.

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 5–301(a) and (d)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 5–306
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2017 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Public Safety**

3 5–301.

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

5 (d) “Permit” means a permit issued by the Secretary to carry, wear, or transport
6 a handgun.

7 5–306.

8 (a) Subject to [subsection (c)] **SUBSECTIONS (B) AND (D)** of this section, the
9 Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

10 (1) is an adult;

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

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

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

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

20 (5) except as provided in subsection [(b)] **(C)** of this section, has
21 successfully completed [prior to application and each renewal,] a firearms training course
22 approved by the Secretary that includes:

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

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

27 (ii) classroom instruction on:

28 1. State firearm law;

29 2. home firearm safety; and

1 3. handgun mechanisms and operation; and

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

4 (6) based on an investigation:

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

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

11 (b) **(1) A PERSON MAY APPLY FOR PRELIMINARY APPROVAL OF A PERMIT
12 WITHOUT COMPLETING A CERTIFIED FIREARMS TRAINING COURSE UNDER
13 SUBSECTION (A) OF THIS SECTION.**

14 **(2) ON APPLICATION FOR PRELIMINARY APPROVAL OF A PERMIT,
15 THE SECRETARY SHALL CONDUCT AN INVESTIGATION TO DETERMINE IF THE
16 APPLICANT MEETS THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION
17 EXCEPT THE REQUIRED CERTIFIED FIREARMS TRAINING COURSE.**

18 **(3) THE SECRETARY SHALL ISSUE PRELIMINARY APPROVAL OF A
19 PERMIT IF, AFTER THE INVESTIGATION, THE SECRETARY FINDS THAT, EXCEPT FOR
20 THE CERTIFIED FIREARMS TRAINING COURSE, THE APPLICANT MEETS THE
21 REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION.**

22 **(4) (I) WITHIN 120 DAYS AFTER RECEIPT OF PRELIMINARY
23 APPROVAL OF A PERMIT, THE APPLICANT MUST PROVIDE THE SECRETARY WITH
24 PROOF OF COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE UNDER
25 SUBSECTION (A) OF THIS SECTION.**

26 **(II) IF THE SECRETARY DOES NOT RECEIVE PROOF OF
27 COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE, THE SECRETARY
28 SHALL REVOKE THE PRELIMINARY APPROVAL AND DENY THE APPLICATION.**

29 **(5) NOTHING IN THIS SUBSECTION MAY BE CONSTRUED TO
30 AUTHORIZE THE ISSUANCE OF A PERMIT WITHOUT COMPLETION OF A CERTIFIED
31 FIREARMS TRAINING COURSE UNDER SUBSECTION (A) OF THIS SECTION.**

32 **(C) An applicant for a permit is not required to complete a certified firearms
33 training course under subsection (a) of this section if the applicant:**

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

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

6 (3) is a qualified handgun instructor; or

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

8 **[(c)] (D)** An applicant under the age of 30 years is qualified only if the Secretary
9 finds that the applicant has not been:

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

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

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

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

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

18 **[(d)] (E)** The Secretary may issue a handgun qualification license, without an
19 additional application or fee, to a person who:

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

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

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