

SENATE BILL 27

E4

(PRE-FILED)

8lr0545
CF HB 29

By: ~~Senator Hough~~ **Senators Hough, Cassilly, Norman, and Ready**

Requested: August 30, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 26, 2018

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

Article – Public Safety

5–301.

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

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

5–306.

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

(1) is an adult;

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

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

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

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

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

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

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

(ii) classroom instruction on:

1. State firearm law;
2. home firearm safety; and
3. handgun mechanisms and operation; and

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

(6) based on an investigation:

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

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

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

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

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

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

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

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

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

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

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

8 (3) is a qualified handgun instructor; or

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

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

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

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

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

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

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

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

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

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

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