

# HOUSE BILL 36

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(PRE-FILED)

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By: **Delegate Smigiel**

Requested: October 17, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judiciary

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## 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  
4 that a person has a good and substantial reason to carry, wear, or transport a  
5 handgun before issuing a handgun permit to the person; and generally relating  
6 to the issuing 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 2013 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, 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  
20 which 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  
22 been pardoned or has been granted relief under 18 U.S.C. § 925(c);

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

13 (ii) classroom instruction on:

14 1. State firearm law;

15 2. home firearm safety; and

16 3. handgun mechanisms and operation; and

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

19 (6) based on an investigation[

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

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

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

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

1           (2) is a member, retired member, or honorably discharged member of  
2 the 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  
5 Secretary.

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

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

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

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

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

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

18           (d) 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;  
21 and

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

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2014.