

HOUSE BILL 1145

E4

8lr1880

By: **Delegates Rey, Afzali, Buckel, Krebs, Reilly, Rose, Saab, Shoemaker, and Szeliga**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permit – Issuance and Appeal**

3 FOR the purpose of requiring the Secretary of State Police to issue a handgun permit within
4 a certain period of time after making a certain finding; reducing the period of time
5 after which a person who has applied for a certain permit that has not been acted on
6 by the Secretary may request a hearing before the Handgun Permit Review Board;
7 reducing the period of time within which the Board is required to take certain steps
8 after receiving a request to review a certain decision by the Secretary; requiring the
9 Secretary, if a decision by the Board directs the Secretary to issue or renew a
10 handgun permit, to comply within a certain period of time; and generally relating to
11 handgun permits.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 5–306(a) and 5–312
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2017 Supplement)

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

19 **Article – Public Safety**

20 5–306.

21 (a) Subject to subsection (c) of this section, the Secretary shall issue a permit
22 within [a reasonable time] **30 CALENDAR DAYS** to a person who the Secretary finds:

23 (1) is an adult;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

17 (ii) classroom instruction on:

18 1. State firearm law;

19 2. home firearm safety; and

20 3. handgun mechanisms and operation; and

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

23 (6) based on an investigation:

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

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

1 (a) (1) A person who is denied a permit or renewal of a permit or whose permit
2 is revoked or limited may request the Board to review the decision of the Secretary by filing
3 a written request with the Board within 10 days after receipt of written notice of the
4 Secretary's final action.

5 (2) A person whose application for a permit or renewal of a permit is not
6 acted on by the Secretary within [90 days] **30 CALENDAR DAYS** after submitting the
7 application to the Secretary may request a hearing before the Board by filing a written
8 request with the Board.

9 (b) Within [90 days] **30 CALENDAR DAYS** after receiving a request to review a
10 decision of the Secretary, the Board shall:

11 (1) review the record developed by the Secretary; or

12 (2) conduct a hearing.

13 (c) The Board may receive and consider additional evidence submitted by a party
14 in conducting a review of the decision of the Secretary.

15 (d) (1) Based on the Board's consideration of the record and any additional
16 evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

17 (2) If the action by the Board results in the denial of a permit or renewal of
18 a permit or the revocation or limitation of a permit, the Board shall submit in writing to
19 the applicant or the holder of the permit the reasons for the action taken by the Board.

20 **(3) IF THE DECISION OF THE BOARD DIRECTS THE SECRETARY TO**
21 **ISSUE OR RENEW A PERMIT, THE SECRETARY SHALL COMPLY WITHIN 10 CALENDAR**
22 **DAYS OF THE DECISION.**

23 (e) (1) Any hearing and any subsequent proceedings of judicial review shall be
24 conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

25 (2) Notwithstanding paragraph (1) of this subsection, a court may not order
26 the issuance or renewal of a permit or alter a limitation on a permit pending a final
27 determination of the proceeding.

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