

SENATE BILL 944

E4

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CF 6lr2719

By: **Senators Raskin, Ferguson, Lee, and Madaleno**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms – Applications – Notification and Reporting**

3 FOR the purpose of requiring the Secretary of State Police to provide notice of a certain
4 denial of a handgun qualification license application or certain disapproval of a
5 firearm application, within a certain amount of time after a denial or disapproval to
6 certain agencies except under certain circumstances; providing information that
7 must be included in the notification of a certain application denial or disapproval;
8 requiring agencies that receive a certain notification of an application denial or
9 disapproval to annually report certain information to the Secretary regarding
10 criminal investigations and charges in connection with each application denial or
11 disapproval; requiring the Secretary to publish an annual report that summarizes
12 certain information regarding each application denial or disapproval and certain
13 other information from certain agencies regarding criminal investigations and
14 charges in connection with each application denial or disapproval; and generally
15 relating to firearms.

16 BY repealing and reenacting, without amendments,
17 Article – Public Safety
18 Section 5–117.1(b) and (g)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Public Safety
23 Section 5–117.1(h) and 5–122
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2015 Supplement)

26 BY adding to
27 Article – Public Safety
28 Section 5–117.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2015 Supplement)

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

5 **Article – Public Safety**

6 5–117.1.

7 (b) A dealer or any other person may not sell, rent, or transfer a handgun to a
8 purchaser, lessee, or transferee unless the purchaser, lessee, or transferee presents to the
9 dealer or other person a valid handgun qualification license issued to the purchaser, lessee,
10 or transferee by the Secretary under this section.

11 (g) An applicant for a handgun qualification license shall submit to the Secretary:

12 (1) an application in the manner and format designated by the Secretary;

13 (2) a nonrefundable application fee to cover the costs to administer the
14 program of up to \$50;

15 (3) (i) proof of satisfactory completion of:

16 1. a firearms safety training course approved by the
17 Secretary; or

18 2. a course of instruction in competency and safety in the
19 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1
20 of the Natural Resources Article; or

21 (ii) a valid firearms instructor certification;

22 (4) any other identifying information or documentation required by the
23 Secretary; and

24 (5) a statement made by the applicant under the penalty of perjury that
25 the applicant is not prohibited under federal or State law from possessing a handgun.

26 (h) (1) Within 30 days after receiving a properly completed application, the
27 Secretary shall issue to the applicant:

28 (i) a handgun qualification license if the applicant is approved; or

29 (ii) a written denial of the application that contains:

30 1. the reason the application was denied; and

1 2. a statement of the applicant’s appeal rights under
2 subsection (l) of this section.

3 (2) (i) An individual whose fingerprints have been submitted to the
4 Central Repository, and whose application has been denied, may request that the record of
5 the fingerprints be expunged by obliteration.

6 (ii) Proceedings to expunge a record under this paragraph shall be
7 conducted in accordance with § 10–105 of the Criminal Procedure Article.

8 (iii) On receipt of an order to expunge a fingerprint record, the
9 Central Repository shall expunge by obliteration the fingerprints submitted as part of the
10 application process.

11 (iv) An individual may not be charged a fee for the expungement of a
12 fingerprint record in accordance with this paragraph.

13 (3) (I) **UNLESS ADDITIONAL TIME IS NEEDED TO AVOID**
14 **COMPROMISING AN INTERNAL INVESTIGATION, WITHIN 24 HOURS AFTER THE**
15 **SECRETARY DENIES AN APPLICATION BECAUSE THE APPLICANT IS PROHIBITED**
16 **FROM POSSESSING A HANDGUN, THE SECRETARY SHALL ISSUE NOTIFICATION OF**
17 **THE DENIAL TO:**

- 18 1. **THE ATTORNEY GENERAL;**
- 19 2. **THE UNITED STATES ATTORNEY FOR THE DISTRICT**
20 **OF MARYLAND;**
- 21 3. **THE STATE’S ATTORNEY FOR THE COUNTY IN WHICH**
22 **THE APPLICANT RESIDES; AND**
- 23 4. **ANY OTHER STATE OR LOCAL LAW ENFORCEMENT**
24 **AGENCY WITH JURISDICTION IN THE COUNTY IN WHICH THE APPLICANT RESIDES.**

25 (II) **A NOTICE ISSUED UNDER THIS PARAGRAPH SHALL**
26 **INCLUDE:**

- 27 1. **THE APPLICANT’S NAME, DATE OF BIRTH, AND**
28 **ADDRESS;**
- 29 2. **THE DATE AND TIME OF THE APPLICATION DENIAL;**
30 **AND**
- 31 3. **THE REASON THE APPLICATION WAS DENIED.**

1 (III) A LAW ENFORCEMENT AGENCY RECEIVING NOTICE FROM
2 THE SECRETARY UNDER THIS PARAGRAPH SHALL COMPLY WITH THE
3 REQUIREMENTS IN § 5-117.2 OF THIS SUBTITLE.

4 5-117.2.

5 (A) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL PROVIDE TO
6 THE SECRETARY AN ANNUAL REPORT THAT INCLUDES FOR EACH DENIAL NOTICE
7 RECEIVED UNDER § 5-117.1 OF THIS SUBTITLE:

8 (1) WHETHER THE LAW ENFORCEMENT AGENCY IS INVESTIGATING
9 THE STATEMENTS MADE BY THE APPLICANT ON THE DENIED APPLICATION,
10 INCLUDING WHETHER THE APPLICANT HAS BEEN ARRESTED OR REFERRED FOR
11 PROSECUTION FOR PERJURY OR ANY OTHER CRIMINAL VIOLATION;

12 (2) WHETHER THE APPLICANT WAS THE SUBJECT OF A COMPLETED
13 INVESTIGATION REGARDING THE STATEMENTS MADE BY THE APPLICANT ON THE
14 DENIED APPLICATION AND THE DISPOSITION OF THE INVESTIGATION, INCLUDING
15 WHETHER THE APPLICANT WAS CONVICTED OF PERJURY OR ANY OTHER CRIMINAL
16 VIOLATION; OR

17 (3) IF THE DENIAL DID NOT RESULT IN AN INVESTIGATION, A
18 DETAILED EXPLANATION OF WHY AN INVESTIGATION DID NOT OCCUR.

19 (B) THE ATTORNEY GENERAL AND EACH STATE'S ATTORNEY SHALL
20 PROVIDE TO THE SECRETARY AN ANNUAL REPORT THAT INCLUDES FOR EACH
21 DENIAL NOTICE RECEIVED UNDER § 5-117.1 OF THIS SUBTITLE:

22 (1) WHETHER THE AGENCY IS INVESTIGATING OR PROSECUTING THE
23 STATEMENTS MADE BY THE APPLICANT ON THE DENIED APPLICATION;

24 (2) WHETHER THE APPLICANT HAS BEEN CHARGED WITH OR
25 PROSECUTED FOR PERJURY OR ANY OTHER CRIMINAL VIOLATION IN CONNECTION
26 WITH THE STATEMENTS MADE BY THE APPLICANT ON THE DENIED APPLICATION; OR

27 (3) IF THE AGENCY DID NOT CHARGE OR PROSECUTE THE APPLICANT
28 WITH PERJURY OR ANY OTHER VIOLATION IN CONNECTION WITH THE STATEMENTS
29 MADE BY THE APPLICANT, A DETAILED EXPLANATION OF WHY CHARGES WERE NOT
30 FILED.

1 **(C) THE SECRETARY ANNUALLY SHALL PROVIDE A REPORT TO THE**
2 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-2146 OF THE STATE GOVERNMENT**
3 **ARTICLE, THAT INCLUDES:**

4 **(1) THE NUMBER OF HANDGUN QUALIFICATION LICENSE**
5 **APPLICATION DENIALS ISSUED;**

6 **(2) THE NUMBER OF NOTIFICATIONS ISSUED UNDER § 5-117.1(H)(3)**
7 **OF THIS SUBTITLE;**

8 **(3) THE NUMBER OF INVESTIGATIONS OPENED, CONCLUDED, OR**
9 **REFERRED FOR PROSECUTION IN CONNECTION WITH APPLICATION DENIALS; AND**

10 **(4) THE NUMBER OF CRIMINAL CHARGES ARISING IN CONNECTION**
11 **WITH APPLICATION DENIALS.**

12 5-122.

13 (a) The Secretary shall disapprove a firearm application if:

14 (1) the Secretary determines that the firearm applicant supplied false
15 information or made a false statement;

16 (2) the Secretary determines that the firearm application is not properly
17 completed; or

18 (3) the Secretary receives written notification from the firearm applicant's
19 licensed attending physician that the firearm applicant suffers from a mental disorder and
20 is a danger to the firearm applicant or to another.

21 (b) (1) If the Secretary disapproves a firearm application, the Secretary shall
22 notify the prospective seller, lessor, or transferor in writing of the disapproval within 7 days
23 after the date that the executed firearm application is forwarded to the Secretary by
24 certified mail or facsimile machine.

25 (2) After notifying the prospective seller, lessor, or transferor under
26 paragraph (1) of this subsection, the Secretary shall notify the prospective purchaser,
27 lessee, or transferee in writing of the disapproval.

28 (3) The date when the prospective seller, lessor, or transferor forwards the
29 executed firearm application to the Secretary by certified mail or by facsimile machine is
30 the first day of the 7-day period allowed for notice of disapproval to the prospective seller,
31 lessor, or transferor.

1 **(4) (I) UNLESS ADDITIONAL TIME IS NEEDED TO AVOID**
2 **COMPROMISING AN INTERNAL INVESTIGATION, WITHIN 24 HOURS AFTER THE**
3 **SECRETARY DISAPPROVES AN APPLICATION BECAUSE THE FIREARM APPLICANT**
4 **SUPPLIED FALSE INFORMATION OR MADE A FALSE STATEMENT, THE SECRETARY**
5 **SHALL ISSUE NOTIFICATION OF THE DISAPPROVAL TO:**

6 **1. THE ATTORNEY GENERAL;**

7 **2. THE UNITED STATES ATTORNEY FOR THE DISTRICT**
8 **OF MARYLAND;**

9 **3. THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH**
10 **THE APPLICANT RESIDES; AND**

11 **4. ANY OTHER STATE OR LOCAL LAW ENFORCEMENT**
12 **AGENCY WITH JURISDICTION IN THE COUNTY IN WHICH THE APPLICANT RESIDES.**

13 **(II) A NOTICE ISSUED UNDER THIS PARAGRAPH SHALL**
14 **INCLUDE:**

15 **1. THE APPLICANT'S NAME, DATE OF BIRTH, AND**
16 **ADDRESS;**

17 **2. THE DATE AND TIME OF THE APPLICATION**
18 **DISAPPROVAL; AND**

19 **3. THE REASON THE APPLICATION WAS DENIED.**

20 **(C) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL PROVIDE TO**
21 **THE SECRETARY AN ANNUAL REPORT THAT INCLUDES FOR EACH DISAPPROVAL**
22 **NOTICE RECEIVED UNDER SUBSECTION (B)(4) OF THIS SECTION:**

23 **(1) WHETHER THE LAW ENFORCEMENT AGENCY IS INVESTIGATING**
24 **THE STATEMENTS MADE BY THE APPLICANT ON THE DISAPPROVED APPLICATION,**
25 **INCLUDING WHETHER THE APPLICANT HAS BEEN ARRESTED OR REFERRED FOR**
26 **PROSECUTION FOR PERJURY OR ANY OTHER CRIMINAL VIOLATION;**

27 **(2) WHETHER THE APPLICANT WAS THE SUBJECT OF A COMPLETED**
28 **INVESTIGATION REGARDING THE STATEMENTS MADE BY THE APPLICANT ON THE**
29 **DISAPPROVED APPLICATION AND THE DISPOSITION OF THE INVESTIGATION,**
30 **INCLUDING WHETHER THE APPLICANT WAS CONVICTED OF PERJURY OR ANY OTHER**
31 **CRIMINAL VIOLATION; OR**

1 **(3) IF THE DISAPPROVAL DID NOT RESULT IN AN INVESTIGATION, A**
2 **DETAILED EXPLANATION OF WHY AN INVESTIGATION DID NOT OCCUR.**

3 **(D) THE ATTORNEY GENERAL AND EACH STATE'S ATTORNEY SHALL**
4 **PROVIDE TO THE SECRETARY AN ANNUAL REPORT THAT INCLUDES FOR EACH**
5 **DISAPPROVAL NOTICE RECEIVED UNDER SUBSECTION (B)(4) OF THIS SECTION:**

6 **(1) WHETHER THE AGENCY IS INVESTIGATING OR PROSECUTING THE**
7 **STATEMENTS MADE BY THE APPLICANT ON THE DISAPPROVED APPLICATION;**

8 **(2) WHETHER THE APPLICANT HAS BEEN CHARGED WITH OR**
9 **PROSECUTED FOR PERJURY OR ANY OTHER VIOLATION OF STATE LAW IN**
10 **CONNECTION WITH THE STATEMENTS MADE BY THE APPLICANT ON THE**
11 **DISAPPROVED APPLICATION; OR**

12 **(3) IF THE AGENCY DID NOT CHARGE THE APPLICANT WITH PERJURY**
13 **OR ANY OTHER CRIMINAL VIOLATION IN CONNECTION WITH THE STATEMENTS MADE**
14 **BY THE APPLICANT, A DETAILED EXPLANATION OF WHY CHARGES WERE NOT FILED.**

15 **(E) THE SECRETARY ANNUALLY SHALL PROVIDE A REPORT TO THE**
16 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
17 **ARTICLE, THAT INCLUDES:**

18 **(1) THE NUMBER OF FIREARM APPLICATION DISAPPROVALS ISSUED;**

19 **(2) THE NUMBER OF NOTIFICATIONS ISSUED UNDER SUBSECTION**
20 **(B)(4) OF THIS SECTION;**

21 **(3) THE NUMBER OF INVESTIGATIONS OPENED, CONCLUDED, OR**
22 **REFERRED FOR PROSECUTION IN CONNECTION WITH APPLICATION DISAPPROVALS;**
23 **AND**

24 **(4) THE NUMBER OF CRIMINAL CHARGES ARISING IN CONNECTION**
25 **WITH APPLICATION DISAPPROVALS.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2016.