

HOUSE BILL 1036

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By: **Delegates Rey, Bromwell, Buckel, Carey, Clark, Cluster, Fisher, Glass, S. Howard, Malone, McConkey, Morgan, Parrott, Queen, Saab, Simonaire, B. Wilson, and C. Wilson**

Introduced and read first time: February 8, 2017

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 2016 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 2016 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Safety**

2 5–301.

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

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

6 5–306.

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

9 (1) is an adult;

10 (2) (i) has not been convicted of a felony or of a misdemeanor for which
11 a sentence of imprisonment for more than 1 year has been imposed; or12 (ii) if convicted of a crime described in item (i) of this item, has been
13 pardoned or has been granted relief under 18 U.S.C. § 925(c);14 (3) has not been convicted of a crime involving the possession, use, or
15 distribution of a controlled dangerous substance;16 (4) is not presently an alcoholic, addict, or habitual user of a controlled
17 dangerous substance unless the habitual use of the controlled dangerous substance is under
18 legitimate medical direction;19 (5) except as provided in subsection [(b)] **(C)** of this section, has
20 successfully completed [prior to application and each renewal,] a firearms training course
21 approved by the Secretary that includes:22 (i) 1. for an initial application, a minimum of 16 hours of
23 instruction by a qualified handgun instructor; or24 2. for a renewal application, 8 hours of instruction by a
25 qualified handgun instructor;

26 (ii) classroom instruction on:

27 1. State firearm law;

28 2. home firearm safety; and

29 3. handgun mechanisms and operation; and

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

3 (6) based on an investigation:

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

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

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

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

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

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

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

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

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

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, 2017.