

HOUSE BILL 772

E4

5lr2153

By: **Delegates Buckel, Beitzel, McKay, Rey, Shoemaker, and B. Wilson**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Firearms Safety Training Course – Repeal**

3 FOR the purpose of repealing a requirement that a person complete a certain firearms
4 safety training course in order to be issued a handgun qualification license or a
5 permit to carry, wear, or transport a handgun; repealing a prohibition on selling,
6 renting, or transferring a regulated firearm to a person that has not completed a
7 certain firearms safety training course; making certain conforming changes; and
8 generally relating to firearms.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 5–117.1, 5–134, and 5–306
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2014 Supplement)

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

16 **Article – Public Safety**

17 5–117.1.

18 (a) This section does not apply to:

19 (1) a licensed firearms manufacturer;

20 (2) a law enforcement officer or person who is retired in good standing from
21 service with a law enforcement agency of the United States, the State, or a local law
22 enforcement agency of the State;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) a member or retired member of the armed forces of the United States
2 or the National Guard; or

3 (4) a person purchasing, renting, or receiving an antique, curio, or relic
4 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,
5 Tobacco, Firearms and Explosives.

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

10 (c) A person may purchase, rent, or receive a handgun only if the person:

11 (1) (i) possesses a valid handgun qualification license issued to the
12 person by the Secretary in accordance with this section;

13 (ii) possesses valid credentials from a law enforcement agency or
14 retirement credentials from a law enforcement agency;

15 (iii) is an active or retired member of the armed forces of the United
16 States or the National Guard and possesses a valid military identification card; or

17 (iv) is purchasing, renting, or receiving an antique, curio, or relic
18 firearm, as defined in federal law or in determinations published by the Bureau of Alcohol,
19 Tobacco, Firearms and Explosives; and

20 (2) is not otherwise prohibited from purchasing or possessing a handgun
21 under State or federal law.

22 (d) Subject to subsections [(f) and (g)] **(E) AND (F)** of this section, the Secretary
23 shall issue a handgun qualification license to a person who the Secretary finds:

24 (1) is at least 21 years old;

25 (2) is a resident of the State; **AND**

26 (3) [except as provided in subsection (e) of this section, has demonstrated
27 satisfactory completion, within 3 years prior to the submission of the application, of a
28 firearms safety training course approved by the Secretary that includes:

29 (i) a minimum of 4 hours of instruction by a qualified handgun
30 instructor;

31 (ii) classroom instruction on:

32 1. State firearm law;

1 2. home firearm safety; and

2 3. handgun mechanisms and operation; and

3 (iii) a firearms orientation component that demonstrates the person’s
4 safe operation and handling of a firearm; and

5 (4)] based on an investigation, is not prohibited by federal or State law from
6 purchasing or possessing a handgun.

7 (e) [An applicant for a handgun qualification license is not required to complete
8 a firearms safety training course under subsection (d) of this section if the applicant:

9 (1) has completed a certified firearms training course approved by the
10 Secretary;

11 (2) has completed a course of instruction in competency and safety in the
12 handling of firearms prescribed by the Department of Natural Resources under § 10–301.1
13 of the Natural Resources Article;

14 (3) is a qualified handgun instructor;

15 (4) is an honorably discharged member of the armed forces of the United
16 States or the National Guard;

17 (5) is an employee of an armored car company and has a permit issued
18 under Title 5, Subtitle 3 of the Public Safety Article; or

19 (6) lawfully owns a regulated firearm.

20 (f)] (1) In this subsection, “Central Repository” means the Criminal Justice
21 Information System Central Repository of the Department of Public Safety and
22 Correctional Services.

23 (2) The Secretary shall apply to the Central Repository for a State and
24 national criminal history records check for each applicant for a handgun qualification
25 license.

26 (3) As part of the application for a criminal history records check, the
27 Secretary shall submit to the Central Repository:

28 (i) a complete set of the applicant’s legible fingerprints taken in a
29 format approved by the Director of the Central Repository and the Director of the Federal
30 Bureau of Investigation;

1 (ii) the fee authorized under § 10–221(b)(7) of the Criminal
2 Procedure Article for access to Maryland criminal history records; and

3 (iii) the mandatory processing fee required by the Federal Bureau of
4 Investigation for a national criminal history records check.

5 (4) The Central Repository shall provide a receipt to the applicant for the
6 fees paid in accordance with paragraph (3)(ii) and (iii) of this subsection.

7 (5) In accordance with §§ 10–201 through 10–234 of the Criminal
8 Procedure Article, the Central Repository shall forward to the applicant and the Secretary
9 a printed statement of the applicant’s criminal history information.

10 (6) Information obtained from the Central Repository under this section:

11 (i) is confidential and may not be disseminated; and

12 (ii) shall be used only for the licensing purpose authorized by this
13 section.

14 (7) If criminal history record information is reported to the Central
15 Repository after the date of the initial criminal history records check, the Central
16 Repository shall provide to the Department of State Police Licensing Division a revised
17 printed statement of the applicant’s or licensee’s State criminal history record.

18 **[(g)](F)** An applicant for a handgun qualification license shall submit to the
19 Secretary:

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

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

23 (3) **[(i)]** proof of satisfactory completion of:

24 1. a firearms safety training course approved by the
25 Secretary; or

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

29 (ii) a valid firearms instructor certification;

30 **[(4)]** any other identifying information or documentation required by the
31 Secretary; and

1 **[(5)](4)** a statement made by the applicant under the penalty of perjury
2 that the applicant is not prohibited under federal or State law from possessing a handgun.

3 **[(h)](G)** (1) Within 30 days after receiving a properly completed application,
4 the Secretary shall issue to the applicant:

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

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

7 1. the reason the application was denied; and

8 2. a statement of the applicant's appeal rights under
9 subsection **[(l)](K)** of this section.

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

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

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

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

20 **[(i)](H)** A handgun qualification license issued under this section expires 10
21 years from the date of issuance.

22 **[(j)](I)** (1) The handgun qualification license may be renewed for successive
23 periods of 10 years each if, at the time of an application for renewal, the applicant:

24 (i) possesses the qualifications for the issuance of the handgun
25 qualification license; and

26 (ii) submits a nonrefundable application fee to cover the costs to
27 administer the program up to \$20.

28 (2) An applicant renewing a handgun qualification license under this
29 subsection is not required to[:

30 (i) complete the firearms safety training course required in
31 subsection (d)(3) of this section; or

1 (ii) submit to a State and national criminal history records check as
2 required in subsection [(f)] (E) of this section.

3 [(k)](J) (1) The Secretary may revoke a handgun qualification license issued
4 or renewed under this section on a finding that the licensee no longer satisfies the
5 qualifications set forth in subsection (d) of this section.

6 (2) A person holding a handgun qualification license that has been revoked
7 by the Secretary shall return the license to the Secretary within 5 days after receipt of the
8 notice of revocation.

9 [(l)](K) (1) A person whose original or renewal application for a handgun
10 qualification license is denied or whose handgun qualification license is revoked, may
11 submit a written request to the Secretary for a hearing within 30 days after the date the
12 written notice of the denial or revocation was sent to the aggrieved person.

13 (2) A hearing under this section shall be granted by the Secretary within
14 15 days after the request.

15 (3) A hearing and any subsequent proceedings of judicial review under this
16 section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government
17 Article.

18 (4) A hearing under this section shall be held in the county of the legal
19 residence of the aggrieved person.

20 [(m)](L) (1) If an original or renewal handgun qualification license is lost or
21 stolen, a person may submit a written request to the Secretary for a replacement license.

22 (2) Unless the applicant is otherwise disqualified, the Secretary shall issue
23 a replacement handgun qualification license on receipt of a written request and a
24 nonrefundable fee to cover the cost of replacement up to \$20.

25 [(n)](M) The Secretary may adopt regulations to carry out the provisions of this
26 section.

27 5-134.

28 (a) This section supersedes any restriction that a local jurisdiction in the State
29 imposes on the transfer by a private party of a regulated firearm, and the State preempts
30 the right of any local jurisdiction to regulate the transfer of a regulated firearm.

31 (b) A dealer or other person may not sell, rent, or transfer a regulated firearm to
32 a purchaser, lessee, or transferee who the dealer or other person knows or has reasonable
33 cause to believe:

- 1 (1) is under the age of 21 years;
- 2 (2) has been convicted of a disqualifying crime;
- 3 (3) has been convicted of a conspiracy to commit a felony;
- 4 (4) has been convicted of a violation classified as a common law crime and
5 received a term of imprisonment of more than 2 years;
- 6 (5) is a fugitive from justice;
- 7 (6) is a habitual drunkard;
- 8 (7) is addicted to a controlled dangerous substance or is a habitual user;
- 9 (8) suffers from a mental disorder as defined in § 10–101(f)(2) of the Health
10 – General Article, and has a history of violent behavior against the purchaser, lessee, or
11 transferee or another, unless the purchaser, lessee, or transferee possesses a physician’s
12 certificate that the recipient is capable of possessing a regulated firearm without undue
13 danger to the purchaser, lessee, or transferee or to another;
- 14 (9) has been confined for more than 30 consecutive days to a facility as
15 defined in § 10–101 of the Health – General Article, unless the purchaser, lessee, or
16 transferee possesses a physician’s certificate that the recipient is capable of possessing a
17 regulated firearm without undue danger to the purchaser, lessee, or transferee or to
18 another;
- 19 (10) is a respondent against whom a current non ex parte civil protective
20 order has been entered under § 4–506 of the Family Law Article;
- 21 (11) if under the age of 30 years at the time of the transaction, has been
22 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
23 committed by an adult;
- 24 (12) is visibly under the influence of alcohol or drugs; **OR**
- 25 (13) is a participant in a straw purchase[]; or
- 26 (14) subject to subsection (c) of this section for a transaction under this
27 subsection that is made on or after January 1, 2002, has not completed a certified firearms
28 safety training course conducted free of charge by the Police Training Commission or that
29 meets standards established by the Police Training Commission under § 3–207 of this
30 article].
- 31 (c) [A person is not required to complete a certified firearms safety training
32 course under subsection (b)(14) of this section if the person:

1 (1) has already completed a certified firearms safety training course
2 required under subsection (b)(14) of this section;

3 (2) is a law enforcement officer of the State or any local law enforcement
4 agency in the State;

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

7 (4) is a member of an organization that is required by federal law governing
8 its specific business or activity to maintain handguns and applicable ammunition; or

9 (5) has been issued a permit to carry a handgun under Subtitle 3 of this
10 title.

11 (d)] (1) A person may not sell, rent, or transfer:

12 (i) ammunition solely designed for a regulated firearm to a person
13 who is under the age of 21 years; or

14 (ii) 1. a firearm other than a regulated firearm to a minor;

15 2. ammunition for a firearm to a minor;

16 3. pepper mace, which is an aerosol propelled combination of
17 highly disabling irritant based products and is also known as oleo-resin capsicum (O.C.)
18 spray, to a minor; or

19 4. another deadly weapon to a minor.

20 (2) A person who violates this subsection is guilty of a misdemeanor and
21 on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000
22 or both.

23 5-306.

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

26 (1) is an adult;

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

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

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 under
5 legitimate medical direction; **AND**

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 by
8 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 may
21 reasonably render the person's possession of a handgun a danger to the person or to
22 another; and

23 (ii) has good and substantial reason to wear, carry, or transport a
24 handgun, such as a finding that the permit is necessary as a reasonable precaution against
25 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 standing
29 from service with a law enforcement agency of the United States, the State, or any local
30 law enforcement agency in the State;

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

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

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

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

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2015.