

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 781
Judiciary

(Delegate Szeliga, *et al.*)

Public Safety - Handgun Permit - Church or Religious Organization Property
(Parishioner Protection Act of 2019)

This bill establishes an exception to the requirement for a person to have a handgun permit before the person carries, wears, or transports a handgun. A person who has the written consent of the governing board of a bona fide church or religious organization to carry a handgun on the property of the church or religious organization during services and gatherings and has the intent to wear, carry, or transport a handgun for purposes related to self-protection or the protection of others while on the property of the church or religious organization is authorized, without a permit, to (1) carry a handgun on the property of the church or religious organization during services and gatherings and (2) transport a handgun to and from services and gatherings of the church or religious organization.

Fiscal Summary

State Effect: The extent to which the bill may affect State expenditures cannot be reliably estimated at this time. However, the bill has an operational impact on the Department of State Police (DSP). DSP advises that it cannot immediately verify the validity of any written consent required under the bill. State revenues are not anticipated to be materially affected.

Local Effect: The extent to which the bill may affect local expenditures cannot be reliably estimated at this time. However, the bill likely has an operational impact on local law enforcement agencies as such agencies are likely unable to immediately verify the validity of any written consent required under the bill. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: With specified exceptions, a person may not (1) wear, carry, or transport a handgun, whether concealed or open, on or about the person or (2) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot generally used by the public, highway, waterway, or airway of the State. For the vehicular prohibition, there is a rebuttable presumption that a person who transports the handgun does so knowingly. A violator is guilty of a misdemeanor and, depending on the circumstances of the violation, subject to a mandatory minimum sentence ranging from 30 days to 5 years and a maximum imprisonment penalty of 3 years for a first offense or 10 years if the violator has specified prior convictions. Certain circumstances also subject the person to monetary fines of amounts between \$250 and \$2,500.

Generally, an applicant for a handgun permit must, among other requirements, have a good and substantial reason to wear, carry, or transport a handgun. “Good and substantial reason” includes a finding that the permit is necessary as a reasonable precaution against apprehended danger.

Current law requirements and background relating to the issuance of handgun permits is summarized in the **Appendix – Handgun Permit Requirements – Current Law/Background**.

Additional Information

Prior Introductions: HB 758 of 2018 received a hearing in the House Judiciary Committee, but no further action was taken.

Cross File: None.

Information Source(s): Harford, Montgomery, and Talbot counties; City of College Park; City of Frostburg; Maryland Municipal League; Department of State Police; Department of Legislative Services

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mm/lgc

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Appendix

Handgun Permit Requirements – Current Law/Background

Generally, with certain exceptions, to be issued a handgun permit by the Secretary of State Police, an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (4) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; and (7) must have a good and substantial reason to wear, carry, or transport a handgun. “Good and substantial reason” includes a finding that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area, circumstances, or times of day, week, month, or year in which a permit is effective.

A handgun permit applicant must successfully complete, prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms qualification component that demonstrates the applicant’s proficiency and use of the firearm.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for an initial application. A person who applies for a renewal of a handgun permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Generally a handgun permit expires on the last day of the holder's birth month following two years after the date the permit is issued; however, the Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a private detective license, a security guard certification, or a special police officer commission. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

In 2018, the Department of State Police (DSP) received 4,393 new applications for handgun permits and 5,383 handgun permit renewal applications. DSP denied 500 applications in the same year. There are currently approximately 22,177 active handgun permits in the State. It generally takes less than two days to receive the results of a national criminal history records check from the Federal Bureau of Investigation and approximately 90 days to process, investigate, and issue a permit.