

HOUSE BILL 466

E4

6lr2166

By: **Delegates Cluster, Arentz, Aumann, Buckel, Folden, S. Howard, Kipke, Kittleman, Malone, McConkey, McKay, Morgan, Parrott, Reilly, and Rose**
Introduced and read first time: February 1, 2016
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handgun Permits – Qualifications – Former and Retired Law Enforcement**
3 **Officers**

4 FOR the purpose of establishing a presumption that an applicant for a permit to wear,
5 carry, or transport a handgun has a good and substantial reason to wear, carry, or
6 transport a handgun if the applicant is a former or retired law enforcement officer
7 under certain circumstances; and generally relating to handgun permits.

8 BY repealing and reenacting, without amendments,
9 Article – Public Safety
10 Section 5–306(a)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2015 Supplement)

13 BY adding to
14 Article – Public Safety
15 Section 5–306(e)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2015 Supplement)

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

Article – Public Safety

20 5–306.

22 (a) Subject to subsection (c) of this section, the Secretary shall issue a permit
23 within a reasonable time to a person who the Secretary finds:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) is an adult;

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

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

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

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

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

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

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

18 (ii) classroom instruction on:

19 1. State firearm law;

20 2. home firearm safety; and

21 3. handgun mechanisms and operation; and

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

24 (6) based on an investigation:

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

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

1 **(E) AN APPLICANT FOR A PERMIT IS PRESUMED TO HAVE A GOOD AND**
2 **SUBSTANTIAL REASON TO WEAR, CARRY, OR TRANSPORT A HANDGUN IF THE**
3 **APPLICANT:**

4 **(1) IS A FORMER OR RETIRED LAW ENFORCEMENT OFFICER WHO**
5 **SEPARATED OR RETIRED FROM SERVICE IN GOOD STANDING WITH A LAW**
6 **ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR ANY LOCAL LAW**
7 **ENFORCEMENT AGENCY IN THE STATE;**

8 **(2) WAS ASSIGNED IN THE STATE DURING EMPLOYMENT AS A LAW**
9 **ENFORCEMENT OFFICER; AND**

10 **(3) IS A RESIDENT OF THE STATE.**

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