

HOUSE BILL 827

E4

7lr3106

By: **Delegates Kittleman, Arentz, Beitzel, Fisher, Flanagan, W. Miller, Parrott, Rose, Shoemaker, and B. Wilson**

Introduced and read first time: February 3, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Secretary of State Police – Temporary Firearms Training Waiver**

3 FOR the purpose of authorizing the Secretary of State Police, on making a certain
4 determination concerning an applicant for a certain handgun permit, to temporarily
5 waive a requirement to complete a certain firearms training course; requiring an
6 applicant issued a certain permit to complete a firearms training course within a
7 certain time period; and generally relating to firearms.

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 2016 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Public Safety

15 Section 5–306(b)

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Public Safety**

21 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 (b) (1) An applicant for a permit is not required to complete a certified firearms
2 training course under subsection (a) of this section if the applicant:

3 [(1)] (I) is a law enforcement officer or a person who is retired in good
4 standing from service with a law enforcement agency of the United States, the State, or
5 any local law enforcement agency in the State;

6 [(2)] (II) is a member, retired member, or honorably discharged member
7 of the armed forces of the United States or the National Guard;

8 [(3)] (III) is a qualified handgun instructor; or

9 [(4)] (IV) has completed a firearms training course approved by the
10 Secretary.

11 (2) (I) **THE SECRETARY MAY TEMPORARILY WAIVE THE**
12 **REQUIREMENT TO COMPLETE A CERTIFIED FIREARMS TRAINING COURSE UNDER**
13 **SUBSECTION (A) OF THIS SECTION ON A DETERMINATION THAT THE APPLICANT HAS:**

14 1. **OBTAINED A PROTECTIVE ORDER;**

15 2. **OBTAINED A PEACE ORDER;**

16 3. **DEMONSTRATED CLEAR EVIDENCE THAT THE**
17 **APPLICANT HAS BEEN THE VICTIM OF SERIOUS DOMESTIC ABUSE; OR**

18 4. **DEMONSTRATED CLEAR EVIDENCE OF IMMINENT**
19 **DANGER TO THE APPLICANT.**

20 (II) **AN APPLICANT ISSUED A PERMIT UNDER THIS PARAGRAPH**
21 **SHALL COMPLETE THE TRAINING COURSE WITHIN 60 DAYS AFTER THE ISSUANCE OF**
22 **THE PERMIT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2017.