

SENATE BILL 338

E4
SB 309/21 – JPR

2lr0850
CF 2lr0958

By: **Senators Hough, Bailey, Carozza, Cassilly, Corderman, Eckardt, Edwards, Gallion, Hershey, Jennings, Ready, Salling, Simonaire, and West**

Introduced and read first time: January 20, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **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 firearms training course; requiring the
5 Secretary of State Police to investigate an application for preliminary approval of a
6 handgun permit, issue preliminary approval if the applicant meets certain
7 requirements, and revoke preliminary approval and deny a handgun permit if an
8 applicant does not complete a certain firearms training course within a certain
9 period of time; and generally relating to handgun permits.

10 BY repealing and reenacting, without amendments,
11 Article – Public Safety
12 Section 5–301(a) and (c)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 5–306
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2021 Supplement)

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

22 **Article – Public Safety**

23 5–301.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Permit" means a permit issued by the Secretary to carry, wear, or transport
2 a handgun.

3 5-306.

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

6 (1) is an adult;

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

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

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

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

16 (5) except as provided in subsection [(b)] **(C)** of this section, has
17 successfully completed [prior to application and each renewal,] a firearms training course
18 approved by the Secretary that includes:

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

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

23 (ii) classroom instruction on:

24 1. State firearm law;

25 2. home firearm safety; and

26 3. handgun mechanisms and operation; and

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

29 (6) based on an investigation:

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

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

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

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

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

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

22 **(II) IF THE SECRETARY DOES NOT RECEIVE PROOF OF
23 COMPLETION OF A CERTIFIED FIREARMS TRAINING COURSE, THE SECRETARY
24 SHALL REVOKE THE PRELIMINARY APPROVAL AND DENY THE APPLICATION.**

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

28 **(C) An applicant for a permit is not required to complete a certified firearms
29 training course under subsection (a) of this section if the applicant:**

30 (1) is a law enforcement officer or a person who is retired in good standing
31 from service with a law enforcement agency of the United States, the State, or any local
32 law enforcement agency in the State;

33 (2) is a member, retired member, or honorably discharged member of the
34 armed forces of the United States or the National Guard;

1 (3) is a qualified handgun instructor; or

2 (4) has completed a firearms training course approved by the Secretary.

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

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

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

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

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2022.