

SENATE BILL 1

E1, E4

3lr0330

(PRE-FILED)

By: ~~Senators Waldstreicher and Lee~~, Lee, Augustine, Brooks, Ellis, Feldman, Ferguson, Griffith, Guzzone, Hettleman, Jackson, Kagan, Kelly, King, Lam, Lewis Young, Muse, Rosapepe, Smith, A. Washington, M. Washington, Watson, and Zucker ~~Zucker~~, and Beidle

Requested: August 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 3, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions**
3 **(Gun Safety Act of 2023)**

4 FOR the purpose of prohibiting a person from knowingly wearing, carrying, or transporting
5 a firearm onto the real property of another unless the other has given certain
6 permission; ~~prohibiting a person from knowingly wearing, carrying, or transporting~~
7 ~~a firearm within a certain distance of a certain place of public accommodation~~
8 prohibiting a person from wearing, carrying, or transporting a firearm under certain
9 circumstances and in certain locations; altering the circumstances under which a
10 person is prohibited from possessing a regulated firearm; altering provisions of law
11 relating to obtaining and revoking a permit to wear, carry, or transport a firearm;
12 and generally relating to restrictions on wearing, carrying, or transporting firearms.

13 BY adding to

14 Article – Criminal Law

15 Section 4-111 and ~~4-112~~ 6-411

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2022 Supplement)

18 ~~BY repealing and reenacting, without amendments,~~

19 ~~Article – State Government~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Section 20-301~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5-301(a), (b), (c), and (e), 5-303, and 5-309
Annotated Code of Maryland
(2022 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5-306, 5-307, and 5-310 through 5-312
Annotated Code of Maryland
(2022 Replacement Volume)

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

Article – Criminal Law

~~4-111.~~

~~(A) IN THIS SECTION, “FIREARM” HAS THE MEANING STATED IN § 4-104 OF THIS SUBTITLE.~~

~~(B) THIS SECTION DOES NOT APPLY TO:~~

~~(1) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT OF WAY, A SERVITUDE, OR ANY OTHER INTEREST THAT ALLOWS PUBLIC ACCESS ON OR THROUGH THE REAL PROPERTY;~~

~~(2) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT OF WAY, A SERVITUDE, OR ANY OTHER INTEREST ALLOWING ACCESS ON OR THROUGH THE REAL PROPERTY BY:~~

~~(I) THE HOLDER OF THE EASEMENT, RIGHT OF WAY, SERVITUDE, OR OTHER INTEREST; OR~~

~~(II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT, RIGHT OF WAY, SERVITUDE, OR OTHER INTEREST; OR~~

~~(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;~~

~~(4) a retail establishment that:~~

~~(i) is operated by a public or private entity; and~~

~~(ii) offers goods, services, entertainment, recreation, or transportation; or~~

~~(5) an establishment:~~

~~(i) 1. that is physically located within the premises of any other establishment covered by this subtitle; or~~

~~2. within the premises of which any other establishment covered by this subtitle is physically located; and~~

~~(ii) that holds itself out as serving patrons of the covered establishment.~~

4-111.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “AREA FOR CHILDREN AND VULNERABLE INDIVIDUALS” MEANS:

(I) A PRESCHOOL OR PREKINDERGARTEN FACILITY;

(II) A PRIVATE PRIMARY OR SECONDARY SCHOOL;

(III) A YOUTH CAMP, AS DEFINED IN § 14-401 OF THE HEALTH – GENERAL ARTICLE;

(IV) A HEALTH CARE FACILITY, AS DEFINED IN § 15-10B-01 OF THE INSURANCE ARTICLE; OR

(V) A LOCATION THAT IS BEING USED AS A SHELTER FOR RUNAWAY YOUTH.

(3) “FIREARM” HAS THE MEANING STATED IN § 4-104 OF THIS SUBTITLE.

(4) “GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA” MEANS:

1 **(I) A BUILDING OWNED OR LEASED BY A UNIT OF STATE OR**
2 **LOCAL GOVERNMENT;**

3 **(II) A BUILDING OF A PUBLIC OR PRIVATE INSTITUTION OF**
4 **HIGHER EDUCATION, AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE;**

5 **(III) A LOCATION THAT IS CURRENTLY BEING USED AS A POLLING**
6 **PLACE IN ACCORDANCE WITH TITLE 10 OF THE ELECTION LAW ARTICLE OR FOR**
7 **CANVASSING BALLOTS IN ACCORDANCE WITH TITLE 11 OF THE ELECTION LAW**
8 **ARTICLE; OR**

9 **(IV) AN ELECTRIC PLANT OR ELECTRIC STORAGE FACILITY, AS**
10 **DEFINED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE.**

11 **(5) “ORGANIZED SPORTING OR ATHLETIC ACTIVITY” MEANS AN**
12 **ACTIVITY IN WHICH THREE OR MORE INDIVIDUALS ~~WHO ARE PART OF THE SAME~~**
13 **~~LEAGUE OR ASSOCIATION~~ ARE COMPETING IN A SPORT OR ATHLETIC ACTIVITY**
14 **TOGETHER AS PART OF THE SAME LEAGUE.**

15 **(6) “ROTC” MEANS RESERVE OFFICER TRAINING CORPS.**

16 **(7) “SPECIAL PURPOSE AREA” MEANS:**

17 **(I) A LOCATION LICENSED TO SELL OR DISPENSE ALCOHOL OR**
18 **CANNABIS FOR ON-SITE CONSUMPTION;**

19 **(II) A STADIUM;**

20 **(III) A MUSEUM;**

21 **(IV) A LOCATION BEING USED FOR:**

22 **1. AN ORGANIZED SPORTING OR ATHLETIC ACTIVITY;**

23 **2. A LIVE THEATER PERFORMANCE;**

24 **3. A MUSICAL CONCERT OR PERFORMANCE FOR WHICH**
25 **MEMBERS OF THE AUDIENCE ARE REQUIRED TO PAY OR POSSESS A TICKET TO BE**
26 **ADMITTED; OR**

27 **4. A FAIR OR CARNIVAL;**

28 **(V) A RACETRACK;**

1 (VI) A VIDEO LOTTERY FACILITY, AS DEFINED IN § 9-1A-01 OF
2 THE STATE GOVERNMENT ARTICLE; OR

3 (VII) WITHIN 100 YARDS OF A PLACE WHERE A PUBLIC
4 GATHERING, A DEMONSTRATION, OR AN EVENT WHICH REQUIRES A PERMIT FROM
5 THE LOCAL GOVERNING BODY IS BEING HELD, IF SIGNS POSTED BY A LAW
6 ENFORCEMENT AGENCY CONSPICUOUSLY AND REASONABLY INFORM MEMBERS OF
7 THE PUBLIC THAT THE WEARING, CARRYING, AND TRANSPORTING OF FIREARMS IS
8 PROHIBITED.

9 (B) THIS SECTION DOES NOT APPLY TO:

10 (1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE
11 STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE;

12 (2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR
13 THE NATIONAL GUARD ON DUTY OR TRAVELING TO OR FROM DUTY;

14 (3) A MEMBER OF AN ROTC PROGRAM WHILE PARTICIPATING IN AN
15 ACTIVITY FOR AN ROTC PROGRAM;

16 (4) A LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE OR
17 SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL
18 BUSINESS;

19 (5) A CORRECTIONAL OFFICER OR WARDEN OF A CORRECTIONAL
20 FACILITY IN THE STATE;

21 (6) A SHERIFF OR FULL-TIME ASSISTANT OR DEPUTY SHERIFF OF THE
22 STATE;

23 (7) SUBJECT TO SUBSECTION (I) OF THIS SECTION, AN OFF-DUTY LAW
24 ENFORCEMENT OFFICIAL OR A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT
25 OFFICIAL IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED
26 STATES, THE STATE, OR A LOCAL UNIT IN THE STATE WHO POSSESSES A FIREARM,
27 IF:

28 (I) 1. THE OFFICIAL OR PERSON IS DISPLAYING THE
29 OFFICIAL'S OR PERSON'S BADGE OR CREDENTIAL;

30 2. THE FIREARM CARRIED OR POSSESSED BY THE
31 OFFICIAL OR PERSON IS CONCEALED FROM VIEW UNDER OR WITHIN AN ARTICLE OF
32 THE OFFICIAL'S OR PERSON'S CLOTHING; AND

1 **3. THE OFFICIAL OR PERSON IS AUTHORIZED TO CARRY**
2 **A HANDGUN UNDER THE LAWS OF THE STATE OR THE UNITED STATES; OR**

3 **(II) 1. THE OFFICIAL OR PERSON POSSESSES A VALID**
4 **PERMIT TO WEAR, CARRY, OR TRANSPORT A HANDGUN ISSUED UNDER TITLE 5,**
5 **SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; AND**

6 **2. THE FIREARM CARRIED OR POSSESSED BY THE**
7 **OFFICIAL OR PERSON IS CONCEALED FROM VIEW UNDER OR WITHIN AN ARTICLE OF**
8 **THE OFFICIAL'S OR PERSON'S CLOTHING;**

9 **(8) FOR A LOCATION THAT IS NOT OWNED BY, LEASED BY, OR**
10 **OTHERWISE UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF**
11 **THE STATE:**

12 **(I) THE OWNER OR LESSEE OF THE LOCATION; OR**

13 **(II) A PERSON WHO IS AUTHORIZED BY THE OWNER OR LESSEE**
14 **OF THE LOCATION TO WEAR, CARRY, OR TRANSPORT A FIREARM AT THE LOCATION**
15 **FOR THE PURPOSE OF:**

16 **1. EMPLOYMENT AS A SECURITY GUARD LICENSED**
17 **UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS ARTICLE; OR**

18 **2. PROTECTING ANY INDIVIDUAL OR PROPERTY AT THE**
19 **LOCATION WITHOUT REMUNERATION OR COMPENSATION;**

20 **(9) A LOCATION BEING USED WITH THE PERMISSION OF THE PERSON**
21 **OR GOVERNMENTAL UNIT THAT OWNS, LEASES, OR CONTROLS THE LOCATION FOR:**

22 **(I) AN ORGANIZED SHOOTING ACTIVITY FOR EDUCATIONAL**
23 **PURPOSES;**

24 **(II) A HISTORICAL DEMONSTRATION USING A FIREARM; OR**

25 **(III) HUNTING OR TARGET SHOOTING; OR**

26 **(10) A FIREARM THAT IS CARRIED OR TRANSPORTED IN A MOTOR**
27 **VEHICLE IF THE FIREARM IS:**

28 **(I) UNLOADED; AND**

29 **(II) LOCKED IN A CONTAINER THAT IS SEPARATE FROM ANY**
30 **AMMUNITION THAT IS SUITABLE FOR USE IN THE FIREARM.**

1 (C) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN AN
2 AREA FOR CHILDREN OR VULNERABLE INDIVIDUALS.

3 (D) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN A
4 GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA.

5 (E) (1) THIS SUBSECTION DOES NOT APPLY TO AN ORGANIZED SPORTING
6 OR ATHLETIC ACTIVITY FOR WHICH THE WEARING, CARRYING, TRANSPORTING, OR
7 USE OF A FIREARM IS A CUSTOMARY PART OF THE SPORT OR ATHLETIC ACTIVITY.

8 (2) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN
9 A SPECIAL PURPOSE AREA.

10 (F) A PERSON MAY NOT VIOLATE SUBSECTION (C), (D), OR (E) OF THIS
11 SECTION WITH INTENT TO CAUSE DEATH OR INJURY TO ANOTHER.

12 (G) (1) A PERSON WHO VIOLATES SUBSECTION (C), (D), OR (E) OF THIS
13 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

14 (I) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING
15 90 DAYS OR A FINE NOT EXCEEDING \$3,000 OR BOTH; AND

16 (II) FOR A SECOND OR SUBSEQUENT CONVICTION,
17 IMPRISONMENT NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING \$7,500 OR
18 BOTH.

19 (2) A PERSON WHO VIOLATES SUBSECTION (F) OF THIS SECTION IS
20 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
21 NOT EXCEEDING 15 MONTHS OR A FINE NOT EXCEEDING \$7,500 OR BOTH.

22 (H) (1) A CONVICTION UNDER THIS SECTION MAY NOT MERGE WITH A
23 CONVICTION FOR ANY OTHER CRIME BASED ON THE ACT ESTABLISHING THE
24 VIOLATION OF THIS SECTION.

25 (2) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED
26 SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR
27 ANY CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.

28 (I) FOR PURPOSES OF THIS SECTION, A REQUIREMENT TO KEEP A
29 HANDGUN CONCEALED IS NOT VIOLATED BY:

30 (1) THE MOMENTARY AND INADVERTENT EXPOSURE OF A HANDGUN;
31 OR

1 **(2) THE MOMENTARY AND INADVERTENT EXPOSURE OF THE IMPRINT**
2 **OR OUTLINE OF A HANDGUN.**

3 **6-411.**

4 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
5 **INDICATED.**

6 **(2) (I) "DWELLING" MEANS A BUILDING OR PART OF A BUILDING**
7 **THAT PROVIDES LIVING OR SLEEPING FACILITIES FOR ONE OR MORE INDIVIDUALS.**

8 **(II) "DWELLING" DOES NOT INCLUDE:**

9 **1. COMMON ELEMENTS OF A CONDOMINIUM, AS**
10 **DEFINED IN § 11-101 OF THE REAL PROPERTY ARTICLE;**

11 **2. PROPERTY OF A COOPERATIVE HOUSING**
12 **CORPORATION OTHER THAN A UNIT AS DEFINED IN § 5-6B-01 OF THE**
13 **CORPORATIONS AND ASSOCIATIONS ARTICLE; OR**

14 **3. COMMON AREAS OF A MULTIFAMILY DWELLING AS**
15 **DEFINED IN § 12-203 OF THE PUBLIC SAFETY ARTICLE.**

16 **(3) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS**
17 **ARTICLE.**

18 **(B) THIS SECTION DOES NOT APPLY TO:**

19 **(1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE**
20 **STATE, OR A LOCAL LAW ENFORCEMENT AGENCY OF THE STATE;**

21 **(2) A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR OF**
22 **THE NATIONAL GUARD ON DUTY OR TRAVELING TO OR FROM DUTY;**

23 **(3) A LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE OR**
24 **SUBDIVISION OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL**
25 **BUSINESS;**

26 **(4) A CORRECTIONAL OFFICER OR WARDEN OF A CORRECTIONAL**
27 **FACILITY IN THE STATE;**

28 **(5) A SHERIFF OR FULL-TIME ASSISTANT OR DEPUTY SHERIFF OF THE**
29 **STATE;**

1 **(6) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON**
2 **A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A**
3 **SERVITUDE, OR ANY OTHER PROPERTY INTEREST THAT ALLOWS PUBLIC ACCESS ON**
4 **OR THROUGH THE REAL PROPERTY; OR**

5 **(7) THE WEARING, CARRYING, OR TRANSPORTING OF A FIREARM ON**
6 **A PORTION OF REAL PROPERTY SUBJECT TO AN EASEMENT, A RIGHT-OF-WAY, A**
7 **SERVITUDE, OR ANY OTHER PROPERTY INTEREST ALLOWING ACCESS ON OR**
8 **THROUGH THE REAL PROPERTY BY:**

9 **(I) THE HOLDER OF THE EASEMENT, RIGHT-OF-WAY,**
10 **SERVITUDE, OR OTHER PROPERTY INTEREST; OR**

11 **(II) A GUEST OR ASSIGNEE OF THE HOLDER OF THE EASEMENT,**
12 **RIGHT-OF-WAY, SERVITUDE, OR OTHER PROPERTY INTEREST.**

13 **(C) A PERSON WEARING, CARRYING, OR TRANSPORTING A FIREARM MAY**
14 **NOT:**

15 **(1) ENTER OR TRESPASS ON PROPERTY THAT IS POSTED**
16 **CONSPICUOUSLY AGAINST WEARING, CARRYING, OR TRANSPORTING A FIREARM ON**
17 **THE PROPERTY;**

18 **(2) ENTER OR TRESPASS ON PROPERTY AFTER HAVING BEEN**
19 **NOTIFIED BY THE OWNER OR THE OWNER'S AGENT THAT THE PERSON MAY NOT**
20 **WEAR, CARRY, OR TRANSPORT A FIREARM ON THE PROPERTY; OR**

21 **(3) ENTER OR TRESPASS IN THE DWELLING OF ANOTHER UNLESS THE**
22 **OTHER HAS GIVEN EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE**
23 **PUBLIC GENERALLY, TO WEAR, CARRY, OR TRANSPORT A FIREARM INSIDE THE**
24 **DWELLING.**

25 **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**
26 **AND ON CONVICTION IS SUBJECT TO:**

27 **(1) FOR A FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 90**
28 **DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH;**

29 **(2) FOR A SECOND CONVICTION OCCURRING WITHIN 2 YEARS AFTER**
30 **THE FIRST CONVICTION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT**
31 **EXCEEDING \$1,000 OR BOTH; AND**

1 (C) The Secretary may limit the geographic area, circumstances, or times of the
2 day, week, month, or year in which a permit is effective.

3 5–309.

4 (a) Except as provided in subsection (d) of this section, a permit expires on the
5 last day of the holder’s birth month following 2 years after the date the permit is issued.

6 (b) Subject to subsection (c) of this section, a permit may be renewed for
7 successive periods of 3 years each if, at the time of an application for renewal, the applicant
8 possesses the qualifications for the issuance of a permit and pays the renewal fee stated in
9 this subtitle.

10 (c) A person who applies for a renewal of a permit is not required to be
11 fingerprinted unless the Secretary requires a set of the person’s fingerprints to resolve a
12 question of the person’s identity.

13 (d) The Secretary may establish an alternative expiration date for a permit to
14 coincide with the expiration of a license, certification, or commission for:

15 (1) a private detective under Title 13 of the Business Occupations and
16 Professions Article;

17 (2) a security guard under Title 19 of the Business Occupations and
18 Professions Article; or

19 (3) a special police officer under § 3–306 of this article.

20 5–310.

21 (a) The Secretary [may revoke a permit on a finding that the holder] **SHALL:**

22 (1) **REVOKE A PERMIT ON A FINDING THAT THE HOLDER** does not meet
23 the qualifications described in § 5–306 of this subtitle; [or] **AND**

24 (2) **REGULARLY REVIEW INFORMATION REGARDING ACTIVE PERMIT**
25 **HOLDERS USING THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL**
26 **REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
27 **SERVICES TO DETERMINE WHETHER ALL PERMIT HOLDERS CONTINUE TO MEET THE**
28 **QUALIFICATIONS DESCRIBED IN § 5–306 OF THIS SUBTITLE.**

29 (B) **THE SECRETARY MAY REVOKE A PERMIT ON A FINDING THAT THE**
30 **HOLDER** violated § 5–308 of this subtitle.

1 **(C) IF THE SECRETARY REVOKES A PERMIT UNDER THIS SECTION FROM A**
2 **PERSON THE SECRETARY DETERMINES IS PROHIBITED FROM POSSESSING A**
3 **REGULATED FIREARM UNDER § 5-133 OF THIS TITLE, THE SECRETARY SHALL TAKE**
4 **REASONABLE STEPS TO ENSURE THE SURRENDER OF ANY REGULATED FIREARMS IN**
5 **THE PERSON'S POSSESSION.**

6 **[(b)] (D)** A holder of a permit that is revoked by the Secretary shall return the
7 permit to the Secretary within 10 days after receipt of written notice of the revocation.

8 5-311.

9 **(A) IF THE SECRETARY DENIES A PERMIT OR RENEWAL OF A PERMIT OR**
10 **REVOKES OR LIMITS A PERMIT, THE SECRETARY SHALL PROVIDE WRITTEN NOTICE**
11 **OF THAT INITIAL ACTION TO THE APPLICANT, INCLUDING A DETAILED EXPLANATION**
12 **OF THE REASON OR REASONS FOR THE INITIAL ACTION.**

13 **[(a)] (B)** A person who is denied a permit or renewal of a permit or whose permit
14 is revoked or limited may request the Secretary to conduct an informal review by filing a
15 written request within 10 days after receipt of THE written notice of the Secretary's initial
16 action UNDER SUBSECTION (A) OF THIS SECTION.

17 **[(b)] (C)** An informal review:

18 (1) may include a personal interview of the person who requested the
19 informal review; and

20 (2) is not subject to Title 10, Subtitle 2 of the State Government Article.

21 **[(c)] (D)** **(1)** In an informal review, the Secretary shall sustain, reverse, or
22 modify the initial action taken and notify the person who requested the informal review of
23 the decision in writing within 30 days after receipt of the request for informal review.

24 **(2) THE WRITTEN NOTICE OF THE RESULTS OF THE SECRETARY'S**
25 **INFORMAL REVIEW UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A**
26 **DETAILED EXPLANATION OF THE REASON OR REASONS FOR THE SECRETARY'S**
27 **DECISION TO SUSTAIN, REVERSE, OR MODIFY THE INITIAL ACTION.**

28 **[(d)] (E)** A person need not file a request for an informal review under this
29 section before requesting review under § 5-312 of this subtitle.

30 5-312.

31 **(a) (1)** A person who is denied a permit or renewal of a permit or whose permit
32 is revoked or limited may request to appeal the decision of the Secretary to the Office of
33 Administrative Hearings by filing a written request with the Secretary and the Office of

1 Administrative Hearings within 10 days after receipt of written notice of the Secretary's
2 final action.

3 (2) A person whose application for a permit or renewal of a permit is not
4 acted on by the Secretary within 90 days after submitting the application to the Secretary
5 may request a hearing before the Office of Administrative Hearings by filing a written
6 request with the Secretary and the Office of Administrative Hearings.

7 (b) (1) Within 60 days after the receipt of a request under subsection (a) of this
8 section from the applicant or the holder of the permit, the Office of Administrative Hearings
9 shall schedule and conduct a de novo hearing on the matter, at which witness testimony
10 and other evidence may be provided.

11 (2) Within 90 days after the conclusion of the last hearing on the matter,
12 the Office of Administrative Hearings shall issue a WRITTEN finding of facts and a decision.

13 (3) A party that is aggrieved by the decision of the Office of Administrative
14 Hearings may appeal the decision to the circuit court.

15 (c) (1) Subject to subsection (b) of this section, any hearing and any
16 subsequent proceedings of judicial review shall be conducted in accordance with Title 10,
17 Subtitle 2 of the State Government Article.

18 (2) Notwithstanding paragraph (1) of this subsection, a court may not order
19 the issuance or renewal of a permit or alter a limitation on a permit pending a final
20 determination of the proceeding.

21 (d) (1) On or before [January 1, 2019, 2020, 2021, and 2022,] JANUARY 1
22 EACH YEAR, the SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN
23 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL
24 ASSEMBLY THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT'S
25 COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER:

26 (I) THE TOTAL NUMBER OF PERMIT APPLICATIONS MADE
27 UNDER § 5-304 OF THIS SUBTITLE WITHIN THE PREVIOUS YEAR;

28 (II) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE
29 SECRETARY GRANTED IN THE PREVIOUS YEAR;

30 (III) THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT THE
31 SECRETARY DENIED IN THE PREVIOUS YEAR;

32 (IV) THE TOTAL NUMBER OF PERMITS THAT WERE REVOKED IN
33 THE PREVIOUS YEAR; AND

1 (V) THE TOTAL NUMBER OF PERMITS THAT ARE PENDING
 2 BEFORE THE SECRETARY.

3 (2) ON OR BEFORE JANUARY 1 EACH YEAR, THE Office of
 4 Administrative Hearings shall report to the Governor and, in accordance with § 2-1257 of
 5 the State Government Article, the General Assembly THE FOLLOWING INFORMATION
 6 DISAGGREGATED BY AN APPLICANT'S COUNTY OF RESIDENCE, RACE, ETHNICITY,
 7 AGE, AND GENDER:

8 [(1)] (I) the number of appeals of decisions by the Secretary that have
 9 been filed with the Office of Administrative Hearings within the previous year;

10 [(2)] (II) the number of decisions by the Secretary that have been
 11 sustained, modified, or reversed by the Office of Administrative Hearings within the
 12 previous year;

13 [(3)] (III) the number of appeals that are pending; and

14 [(4)] (IV) the number of appeals that have been withdrawn within the
 15 previous year.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 17 as follows:

18 Article – Public Safety

19 5-306.

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

22 (1) (I) is [an adult] AT LEAST 21 YEARS OLD; OR

23 (II) IS AN ADULT WHO:

24 1. IS A MEMBER OF THE ARMED FORCES OF THE UNITED
 25 STATES OR THE NATIONAL GUARD; OR

26 2. IS REQUIRED TO WEAR, CARRY, OR TRANSPORT A
 27 HANDGUN IN THE REGULAR COURSE OF THE PERSON'S EMPLOYMENT;

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

30 (ii) if convicted of a crime described in item (i) of this item, has been
 31 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;

6 (5) **DOES NOT SUFFER FROM A MENTAL DISORDER AS DEFINED IN §**
7 **10-101(I)(2) OF THE HEALTH – GENERAL ARTICLE AND HAVE A HISTORY OF**
8 **VIOLENT BEHAVIOR AGAINST THE PERSON OR ANOTHER;**

9 (6) **IS NOT A RESPONDENT AGAINST WHOM:**

10 (I) **A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER HAS**
11 **BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE;**

12 (II) **A CURRENT EXTREME RISK PROTECTIVE ORDER HAS BEEN**
13 **ENTERED UNDER § 5-601 OF THIS TITLE; OR**

14 (III) **ANY OTHER TYPE OF CURRENT COURT ORDER HAS BEEN**
15 **ENTERED PROHIBITING THE PERSON FROM PURCHASING OR POSSESSING**
16 **FIREARMS;**

17 [(5)] (7) except as provided in subsection (b) of this section, has
18 successfully completed prior to application and each renewal, a firearms training course
19 approved by the Secretary that [includes:

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

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

24 (ii) classroom instruction on:

25 1. State firearm law;

26 2. home firearm safety; and

27 3. handgun mechanisms and operation; and

28 (iii) a firearms qualification component that demonstrates the
29 applicant's proficiency and use of the firearm;] **MEETS THE MINIMUM CRITERIA**

30 **SPECIFIED IN SUBSECTION (A-1) OF THIS SECTION; and**

1 ~~[(6)]~~ (8) based on an investigation:

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

5 (ii) [has good and substantial reason to wear, carry, or transport a
6 handgun, such as a finding that the permit is necessary as a reasonable precaution against
7 apprehended danger] **IS NOT PROHIBITED BY STATE OR FEDERAL LAW FROM**
8 **PURCHASING OR POSSESSING A HANDGUN.**

9 **(A-1) THE FIREARMS TRAINING COURSE REQUIRED UNDER SUBSECTION (A)**
10 **OF THIS SECTION SHALL INCLUDE:**

11 (1) (i) **FOR AN INITIAL APPLICATION, A MINIMUM OF 16 HOURS OF**
12 **INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR; OR**

13 (ii) **FOR A RENEWAL APPLICATION, 8 HOURS OF INSTRUCTION**
14 **BY A QUALIFIED HANDGUN INSTRUCTOR;**

15 (2) **CLASSROOM INSTRUCTION ON:**

16 (i) **STATE AND FEDERAL FIREARM LAWS, INCLUDING LAWS**
17 **RELATING TO:**

18 1. **SELF-DEFENSE;**

19 2. **DEFENSE OF OTHERS;**

20 3. **DEFENSE OF PROPERTY;**

21 4. **THE SAFE STORAGE OF FIREARMS;**

22 5. **THE CIRCUMSTANCES UNDER WHICH AN INDIVIDUAL**
23 **BECOMES PROHIBITED FROM POSSESSING A FIREARM UNDER STATE AND FEDERAL**
24 **LAW, INCLUDING BECOMING A RESPONDENT AGAINST WHOM:**

25 A. **A CURRENT NON EX PARTE CIVIL PROTECTIVE ORDER**
26 **HAS BEEN ENTERED UNDER § 4-506 OF THE FAMILY LAW ARTICLE;**

27 B. **AN ORDER FOR PROTECTION, AS DEFINED IN §**
28 **4-508.1 OF THE FAMILY LAW ARTICLE, HAS BEEN ISSUED BY A COURT OF ANOTHER**
29 **STATE OR A NATIVE AMERICAN TRIBE AND IS IN EFFECT; OR**

1 C. A CURRENT EXTREME RISK PROTECTIVE ORDER HAS
2 BEEN ENTERED UNDER SUBTITLE 6 OF THIS TITLE;

3 6. THE REQUIREMENTS AND OPTIONS FOR
4 SURRENDERING, TRANSFERRING, OR OTHERWISE DISPOSING OF A FIREARM AFTER
5 BECOMING PROHIBITED FROM POSSESSING A FIREARM UNDER STATE OR FEDERAL
6 LAW;

7 7. THE REQUIREMENTS FOR REPORTING A LOSS OR
8 THEFT OF A FIREARM TO A LAW ENFORCEMENT AGENCY AS REQUIRED BY § 5-146
9 OF THIS TITLE;

10 8. THE FIREARMS AND FIREARM ACCESSORIES WHICH
11 ARE BANNED UNDER STATE AND FEDERAL LAW;

12 9. THE TYPES OF FIREARMS THAT REQUIRE A SPECIAL
13 PERMIT OR REGISTRATION TO ACQUIRE OR POSSESS UNDER STATE OR FEDERAL
14 LAW;

15 10. THE LAW PROHIBITING STRAW PURCHASES;

16 11. THE LAW CONCERNING ARMED TRESPASS UNDER §
17 6-411 OF THE CRIMINAL LAW ARTICLE; AND

18 12. THE LOCATIONS WHERE A PERSON IS PROHIBITED
19 FROM POSSESSING A FIREARM REGARDLESS OF WHETHER THE PERSON POSSESSES
20 A PERMIT ISSUED UNDER THIS SUBTITLE;

21 (II) HOME FIREARM SAFETY;

22 (III) HANDGUN MECHANISMS AND OPERATION;

23 (IV) CONFLICT DE-ESCALATION AND RESOLUTION;

24 (V) ANGER MANAGEMENT; AND

25 (VI) SUICIDE PREVENTION; AND

26 (3) A FIREARMS QUALIFICATION COMPONENT THAT INCLUDES
27 LIVE-FIRE SHOOTING EXERCISES ON A FIRING RANGE AND REQUIRES THE
28 APPLICANT TO DEMONSTRATE:

29 (I) SAFE HANDLING OF A HANDGUN; AND

1 **(II) SHOOTING PROFICIENCY WITH A HANDGUN.**

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

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

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

9 **(3) is a qualified handgun instructor; or**

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

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

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

15 **(2) adjudicated delinquent by a juvenile court for:**

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

17 **(ii) an act that would be a felony in this State if committed by an**
18 **adult; or**

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

21 **(D) (1) THE SECRETARY MAY NOT ISSUE A PERMIT TO A PERSON IF THE**
22 **PERSON:**

23 **(I) HAS BEEN CONVICTED OF A SECOND OR SUBSEQUENT**
24 **VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE; OR**

25 **(II) HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE**
26 **CRIMINAL LAW ARTICLE IF THE VIOLATION RESULTED IN THE USE OF A LOADED**
27 **FIREARM BY A CHILD CAUSING DEATH OR SERIOUS BODILY INJURY TO THE CHILD**
28 **OR ANOTHER PERSON.**

29 **(2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE**
30 **SECRETARY MAY NOT ISSUE A PERMIT TO A PERSON WHO HAS BEEN CONVICTED OF**

1 A VIOLATION OF § 4–104 OF THE CRIMINAL LAW ARTICLE FOR 5 YEARS FOLLOWING
 2 THE DATE OF THE CONVICTION.

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

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

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
 9 construed to apply only to an initial application or renewal application for a permit to wear,
 10 carry, or transport a handgun that is submitted to the Secretary of State Police on or after
 11 the effective date of this Act. Section 2 may not be construed to affect the requirements to
 12 maintain a permit to wear, carry, or transport a handgun that was issued by the Secretary
 13 of State Police before the effective date of this Act until the permit is subject to renewal.

14 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this Act or
 15 the application thereof to any person or circumstance is held invalid for any reason in a
 16 court of competent jurisdiction, the invalidity does not affect other provisions or any other
 17 application of this Act that can be given effect without the invalid provision or application,
 18 and for this purpose the provisions of this Act are declared severable.

19 SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.