

HB0824/203421/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 824
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first “altering” insert “the penalty for a violation of the prohibition on wearing, carrying, or transporting a handgun; requiring the State Commission on Criminal Sentencing Policy to annually report certain information to the Governor and General Assembly; requiring the Department of State Police to transmit a certain summary of certain laws relating to firearms to certain persons and in a certain manner; altering”; in line 6, after “handgun;” insert “requiring the Secretary of State Police, in consultation with the Office of the Attorney General and the Maryland Department of Health to develop a certain curriculum;”; in line 7, strike “of State Police”; strike beginning with “requiring” in line 13 down through “guide;” in line 14; and strike in their entirety lines 16 through 20, inclusive.

On page 2, in line 2, strike “4-104(d)” and substitute “4-203(a) and (c)(1)”; after line 4, insert:

“BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4-203(c)(2)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)”

BY adding to
Article - Criminal Procedure
Section 6-215
Annotated Code of Maryland
(2018 Replacement Volume and 2022 Supplement)”;

after line 9, insert:

“BY adding to

HB0824/203421/01 Judicial Proceedings Committee
Amendments to HB 824
Page 2 of 10

Article - Public Safety
Section 5-147
Annotated Code of Maryland
(2022 Replacement Volume)”;

and strike in their entirety lines 15 through 20, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 13 on page 3, inclusive.

On page 3, after line 13, insert:

“4-203.

(a) (1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) 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;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

HB0824/203421/01 Judicial Proceedings Committee
Amendments to HB 824
Page 3 of 10

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

(c) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

(i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding [3] 5 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or

(ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.”;

in line 24, after “(3)” insert “SUBJECT TO SUBSECTION (B-1) OF THIS SECTION,”; in the same line, after “PROBATION” insert “AFTER BEING CONVICTED”; and in line 25, strike “AFTER BEING CONVICTED”.

On page 5, after line 3, insert:

“(B-1) SUBSECTION (B)(3) OF THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT POSSESSION OF A REGULATED FIREARM BY A PERSON WHO WAS NOT CONVICTED OF BUT RECEIVED ONLY PROBATION BEFORE JUDGMENT FOR AN OFFENSE LISTED IN SUBSECTION (B)(3) OF THIS SECTION.”.

AMENDMENT NO. 3

On page 3, after line 13, insert:

(Over)

“Article – Criminal Procedure

6–215.

(A) ON OR BEFORE OCTOBER 1, 2024, AND EACH OCTOBER 1 THEREAFTER, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE NUMBER OF CHARGES, CONVICTIONS, AND SENTENCES FOR VIOLATIONS OF § 4–203 OF THE CRIMINAL LAW ARTICLE AND § 5–133(D) OF THE PUBLIC SAFETY ARTICLE.

(B) THE INFORMATION INCLUDED IN THE REPORT SHALL BE DISAGGREGATED BY JURISDICTION, RACE, AND GENDER.”

AMENDMENT NO. 4

On page 7, strike in their entirety lines 9 through 12, inclusive, and substitute:

“5–147.

(A) IN THIS SECTION, “DEPARTMENT” MEANS THE DEPARTMENT OF STATE POLICE.

(B) (1) THE DEPARTMENT SHALL TRANSMIT TO EACH E-MAIL ADDRESS ON FILE WITH THE DEPARTMENT THAT IS ASSOCIATED WITH THE PURCHASER OR TRANSFEREE OF A REGULATED FIREARM OR A PERSON WHO HAS REGISTERED A REGULATED FIREARM WITH THE DEPARTMENT A SUMMARY OF EACH NEW LAW OR CHANGE TO EACH EXISTING LAW PERTAINING TO FIREARMS THAT WAS PASSED BY THE GENERAL ASSEMBLY DURING EACH LEGISLATIVE SESSION AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.

(2) THE SUMMARY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TRANSMITTED:

(I) WITHIN 45 DAYS AFTER THE GENERAL ASSEMBLY ADJOURNS SINE DIE IN A LEGISLATIVE SESSION;

(II) FOR EACH ACT ESTABLISHING A NEW LAW OR CHANGE TO AN EXISTING LAW PERTAINING TO FIREARMS, 30 DAYS BEFORE THE EFFECTIVE DATE OF THE ACT; AND

(III) IF AN ACT IS DESIGNATED AS AN EMERGENCY ACT, AS SOON AS PRACTICABLE.”

AMENDMENT NO. 5

On page 4, strike in their entirety lines 1 through 6, inclusive; and in lines 7, 8, 9, 11, 14, 16, 18, 20, 22, and 25, strike “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, “**(13)**”, and “**(14)**”, respectively, and substitute “**(4)**”, “**(5)**”, “**(6)**”, “**(7)**”, “**(8)**”, “**(9)**”, “**(10)**”, “**(11)**”, “**(12)**”, and “**(13)**”, respectively.

On page 5, in line 1, strike “**(15)**” and substitute “**(14)**”.

On page 7, in line 27, strike “**\$150**” and substitute “**\$125**”; and in line 28, strike “**\$100**” and substitute “**\$75**”.

On pages 9 and 10, strike beginning with “includes” in line 22 on page 9 down through “**HANDGUN**” in line 10 on page 10 and substitute “**MEETS THE MINIMUM CRITERIA SPECIFIED IN SUBSECTION (A-1) OF THIS SECTION**”.

On page 10, after line 18, insert:

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

(1) (I) FOR AN INITIAL APPLICATION, A MINIMUM OF 16 HOURS
OF IN-PERSON INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR; OR

(II) FOR A RENEWAL APPLICATION, 8 HOURS OF IN-PERSON
INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR;

(2) CLASSROOM INSTRUCTION ON:

(I) STATE AND FEDERAL FIREARM LAWS, INCLUDING LAWS
RELATING TO:

1. SELF-DEFENSE;

2. DEFENSE OF OTHERS;

3. DEFENSE OF PROPERTY;

4. THE SAFE STORAGE OF FIREARMS;

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

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

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

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

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

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

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

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

10. THE LAW PROHIBITING STRAW PURCHASES;

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

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

(II) HOME FIREARM SAFETY;

(III) HANDGUN MECHANISMS AND OPERATIONS;

(IV) CONFLICT DE-ESCALATION AND RESOLUTION;

(V) ANGER MANAGEMENT; AND

(VI) SUICIDE PREVENTION; AND

(3) A FIREARM QUALIFICATION COMPONENT THAT INCLUDES LIVE-FIRE SHOOTING EXERCISE ON A FIRING RANGE AND REQUIRES THE APPLICANT TO DEMONSTRATE:

(I) SAFE HANDLING OF A HANDGUN; AND

(II) SHOOTING PROFICIENCY WITH A HANDGUN.

(A-2) THE SECRETARY, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY GENERAL AND THE DEPARTMENT OF HEALTH, SHALL DEVELOP, PUBLISH, UPDATE, AND DISTRIBUTE TO ALL STATE-CERTIFIED FIREARMS INSTRUCTORS A CURRICULUM OF INSTRUCTION FOR THE TOPICS REQUIRED FOR CLASSROOM INSTRUCTION IN SUBSECTION (A-1) OF THIS SECTION.”.

**HB0824/203421/01 Judicial Proceedings Committee
Amendments to HB 824
Page 9 of 10**

On page 11, in lines 11, 13, and 18, in each instance, after “**CONVICTED**” insert “**ON OR AFTER OCTOBER 1, 2023,**”; and in line 15, in each instance, strike “**CHILD**” and substitute “**MINOR**”.

AMENDMENT NO. 6

On page 14, in line 11, after “(d)” insert “**(1)**”; in line 12, strike “**BEGINNING IN 2024**”; in the same line, strike “**THE SECRETARY AND**”; in line 14, after “Assembly” insert “**THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT’S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER**”; in lines 15, 17, 19, and 20, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, and “**(IV)**”, respectively; in line 19, strike the brackets; in line 21, strike the semicolon and substitute a period; after line 21, insert:

“(2) ON OR BEFORE JANUARY 1 EACH YEAR, THE SECRETARY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THE FOLLOWING INFORMATION DISAGGREGATED BY AN APPLICANT’S COUNTY OF RESIDENCE, RACE, ETHNICITY, AGE, AND GENDER:”;

in lines 22, 26, and 30, strike “**(5)**”, “**(6)**”, and “**(7)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; strike beginning with the comma in line 23 down through “**APPLICANTS**” in line 25; strike beginning with the comma in line 27 down through “**APPLICANTS**” in line 29; and strike beginning with the comma in line 31 down through “**APPLICANTS**” in line 33.

On page 15, in lines 1 and 5, strike “**(8)**” and “**(9)**”, respectively, and substitute “**(IV)**” and “**(V)**”, respectively; strike beginning with the comma in line 2 down through the second “**APPLICANTS**” in line 3; and strike beginning with the comma in line 6 down through “**APPLICANTS**” in line 8.

(Over)

HB0824/203421/01 Judicial Proceedings Committee
Amendments to HB 824
Page 10 of 10

AMENDMENT NO. 7

On pages 15 through 17, strike in their entirety the lines beginning with line 9 on page 15 through line 10 on page 17, inclusive.

On page 17, after line 10, insert:

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

and in lines 11 and 16, strike “5.” and “6.”, respectively, and substitute “3.” and “4.”, respectively.