UNOFFICIAL COPY OF SENATE BILL 1

SENATE BILL 1

E1, E4 3lr0330

(PRE-FILED)

By: Senators Waldstreicher and Lee
Requested: August 16, 2022
Introduced and read first time: January 11, 2023
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions
(Gun Safety Act of 2023)

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

BY adding to
Article - Criminal Law
Section 4-111 and ~~4-112~~ 6-411
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article - State Government~~
~~Section 20-301~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, with amendments,
Article - Public Safety
Section 5-304, 5-306, 5-307, and 5-309 through 5-312
Annotated Code of Maryland
(2022 Replacement Volume)

BY repealing and reenacting, without amendments,
Article - Public Safety
Section 5-301 and 5-303
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) PROPERTY OWNED BY THE STATE OR A POLITICAL SUBDIVISION OF THE STATE.~~

~~(C) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM ONTO THE REAL PROPERTY OF ANOTHER UNLESS THE OTHER HAS GIVEN EXPRESS PERMISSION, EITHER TO THE PERSON OR TO THE PUBLIC GENERALLY, TO WEAR, CARRY, OR TRANSPORT A FIREARM ON THE REAL PROPERTY.~~

~~(D) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR.~~

~~4-112.~~

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

~~(2) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS SUBTITLE.~~

~~(3) "PLACE OF PUBLIC ACCOMMODATION" HAS THE MEANING STATED IN § 20-301 OF THE STATE GOVERNMENT ARTICLE.~~

~~(B) A PERSON MAY NOT KNOWINGLY WEAR, CARRY, OR TRANSPORT A FIREARM WITHIN 100 FEET OF A PLACE OF PUBLIC ACCOMMODATION.~~

~~(C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR.~~

~~Article – State Government~~

~~20-301.~~

~~In this subtitle, "place of public accommodation" means:~~

~~(1) an inn, hotel, motel, or other establishment that provides lodging to transient guests;~~

~~(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;~~

~~(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;

(III) A PRIVATE PRIMARY OR SECONDARY SCHOOL;

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

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

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

(3) "FIREARM" HAS THE MEANING STATED IN § 4-104 OF THIS TITLE.

(4) "GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA" MEANS:

(I) A BUILDING OWNED OR LEASED BY A UNIT OF STATE OR LOCAL GOVERNMENT.

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

(III) A LOCATION THAT IS BEING USED AS A POLLING PLACE IN ACCORDANCE WITH TITLE 10 OF THE ELECTION LAW ARTICLE OR FOR CANVASING BALLOTS IN ACCORDANCE WITH TITLE 11 OF THE ELECTION LAW ARTICLE; OR

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

AMENDMENT — Soccer MOM

(5) (I) "ORGANIZED SPORTING OR ATHLETIC ACTIVITY" MEANS ACTIVITY IN WHICH THREE OR MORE INDIVIDUALS WHO ARE PART OF THE SAME LEAGUE OR ASSOCIATION ARE COMPETING IN OR PRACTICING A SPORT OR ATHLETIC ACTIVITY TOGETHER.

(6) "SPECIAL PURPOSE AREA" MEANS:

(I) A LOCATION LICENSED TO SELL OR DISPENSE ALCOHOL OR CANNABIS FOR ONSITE CONSUMPTION;

(II) A STADIUM;

(III) A MUSEUM;

(IV) A LOCATION BEING USED FOR:

1. AN ORGANIZED SPORTING OR ATHLETIC ACTIVITY;

2. A LIVE THEATER PERFORMANCE;

2. A MUSICAL CONCERT OR PERFORMANCE FOR WHICH MEMBERS OF THE AUDIENCE ARE REQUIRED TO PAY OR POSSESS A TICKET TO BE ADMITTED; OR

3. FOR A FAIR OR CARNIVAL;

(V) A RACETRACK;

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

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

(B) THIS SECTION DOES NOT APPLY TO:

(1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE STATE, OR A COUNTY OR CITY OF THE STATE;

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

(3) A LAW ENFORCEMENT OFFICIAL OF ANOTHER STATE OR SUBDIVISION

OF ANOTHER STATE TEMPORARILY IN THIS STATE ON OFFICIAL BUSINESS;

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

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

(6) AN OFF-DUTY LAW ENFORCEMENT OFFICIAL OR A PERSON WHO HAS RETIRED AS A LAW ENFORCEMENT OFFICIAL IN GOOD STANDING FROM A LAW ENFORCEMENT AGENCY OF THE UNITED STATES, THE STATE, OR A LOCAL UNIT IN THE STATE WHO POSSESSES A FIREARM, IF:

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

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

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

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

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

(7) FOR A LOCATION THAT IS NOT OWNED BY, LEASED BY, OR OTHERWISE UNDER THE CONTROL OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE, A PERSON WHO IS AUTHORIZED BY THE OWNER OR LESSEE OF THE LOCATION TO WEAR, CARRY, OR TRANSPORT A FIREARM AT THE LOCATION FOR THE PURPOSE OF:

(I) EMPLOYMENT AS A SECURITY GUARD LICENSED UNDER TITLE 19 OF THE BUSINESS OCCUPATIONS ARTICLE; OR

(II) PROTECTING ANY INDIVIDUAL OR PROPERTY AT THE LOCATION WITHOUT REMUNERATION OR COMPENSATION;

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

(I) AN ORGANIZED SHOOTING ACTIVITY FOR EDUCATIONAL PURPOSES;

(II) A HISTORICAL DEMONSTRATION USING A FIREARM; OR

(III) HUNTING OR TARGET SHOOTING; OR

(9) A FIREARM THAT IS CARRIED OR TRANSPORTED IN A MOTOR VEHICLE IF THE FIREARM IS:

(I) UNLOADED; AND

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

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

(D) A PERSON MAY NOT WEAR, CARRY, OR TRANSPORT A FIREARM IN A

GOVERNMENT OR PUBLIC INFRASTRUCTURE AREA.

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

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

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

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

? AMENDMENT INCREASE PENALTY

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

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 456 DAYS OR A FINE NOT EXCEEDING $7,500 OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (F) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 456 DAYS OR A FINE NOT EXCEEDING $7,500 OR BOTH.

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

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

6-411.

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

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

(II) "DWELLING" DOES NOT INCLUDE:

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

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

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

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

(B) THIS SECTION DOES NOT APPLY TO:

(1) A LAW ENFORCEMENT OFFICIAL OF THE UNITED STATES, THE STATE, OR A COUNTY OR CITY OF THE STATE;

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

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

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

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

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

(7) 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.

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

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

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

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

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

(1) FOR A FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING $500 OR BOTH;

(2) FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS AFTER THE FIRST VIOLATION, IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING $1,000 OR BOTH; AND

(3) FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION, IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $2,500 OR BOTH.

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

Article - Public Safety

5-301.

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

(b) "Handgun" has the meaning stated in § 4-201 of the Criminal Law Article.

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

(e) "Secretary" means the Secretary of State Police or the Secretary's designee.

5-303.

A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun.

5-306.

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

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

OR

(II) IS AN ADULT WHO:

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

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

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

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

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

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

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

(6) IS NOT A RESPONDENT AGAINST WHOM:

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

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

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

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

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

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

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

(iii) a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm;] MEETS THE MINIMUM CRITERIA SPECIFIED IN SUBSECTION (A-1) OF THIS SECTION; and

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

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

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

(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 INSTRUCTION BY A QUALIFIED HANDGUN INSTRUCTOR; OR

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

(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 OPERATION;

(IV) CONFLICT DE-ESCALATION AND RESOLUTION;

(V) ANGER MANAGEMENT; AND

(VI) SUICIDE PREVENTION; AND

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

(I) SAFE HANDLING OF A HANDGUN; AND

(II) SHOOTING PROFICIENCY WITH A HANDGUN.

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

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

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

(3) is a qualified handgun instructor; or

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

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

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

(2) adjudicated delinquent by a juvenile court for:

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

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

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

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

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

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

(2) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY MAY NOT ISSUE A PERMIT TO A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE FOR 5 YEARS FOLLOWING THE DATE OF THE CONVICTION.

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

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

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

5-307.

(a) A permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

(b) A PERMIT ISSUED UNDER THIS SUBTITLE SHALL RESTRICT THE WEARING, CARRYING, AND TRANSPORT OF A HANDGUN BY THE PERSON TO WHOM THE PERMIT IS ISSUED TO WEARING, CARRYING, OR TRANSPORTING A HANDGUN CONCEALED FROM VIEW:

(1) UNDER OR WITHIN AN ARTICLE OF THE PERSON'S CLOTHING; OR

(2) WITHIN AN ENCLOSED CASE.

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

5-309.

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

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

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

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

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

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

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

5-310.

(a) (1) The Secretary [may revoke a permit on a finding that the holder] SHALL:

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

[(2)] (II) REGULARLY REVIEW INFORMATION REGARDING ACTIVE PERMIT HOLDERS USING THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO DETERMINE WHETHER ALL PERMIT HOLDERS CONTINUE TO MEET THE QUALIFICATIONS DESCRIBED IN § 5-306 OF THIS SUBTITLE.

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

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

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

5-311.

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

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

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

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

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

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

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

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

5-312.

(a) (1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request to appeal the decision of the Secretary to the Office of Administrative Hearings by filing a written request with the Secretary and the Office of Administrative Hearings within 10 days after receipt of written notice of

the Secretary's final action.

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

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

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

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

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

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

(d) (1) On or before [January 1, 2019, 2020, 2021, and 2022,] 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:

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

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

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

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

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

(2) ON OR BEFORE JANUARY 1 EACH YEAR, THE Office of Administrative Hearings 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:

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

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That, Section 2 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. Section 2 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.

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

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