

HOUSE BILL 824

E4

(3lr2519)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Clippinger, Bartlett, Cardin, Conaway, Crutchfield, Embry, Kaufman, Moon, Pasteur, Phillips, Simmons, Simpson, Taylor, Toles, Williams, and Young**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Regulated Firearms – Possession and Permits to Carry, Wear,**
3 **and Transport a Handgun**

4 FOR the purpose of altering the penalty for a violation of the prohibition on wearing,
5 carrying, or transporting a handgun; requiring the State Commission on Criminal
6 Sentencing Policy to annually report certain information to the Governor and General
7 Assembly; requiring the Department of State Police to transmit a certain summary of
8 certain laws relating to firearms to certain persons and in a certain manner; altering
9 the disqualifiers for possession of a regulated firearm; altering the maximum fees,
10 and qualifications for issuance, and the renewal period for a permit to carry, wear,
11 or transport a handgun; requiring the Secretary of State Police, in consultation with
12 the Office of the Attorney General and the Maryland Department of Health to develop
13 a certain curriculum; altering a provision of law to require, rather than authorize,

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.

Italics indicate opposite chamber/conference committee amendments.



the Secretary of State Police to revoke a certain permit on a finding that the holder does not meet certain qualifications; requiring the Secretary to regularly review certain information in a certain manner to determine whether certain permit holders continue to meet certain requirements, take reasonable steps to ensure the surrender of certain firearms under certain circumstances, and provide certain notice to a certain applicant under certain circumstances; altering a certain reporting requirement; ~~requiring the Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide;~~ and generally relating to regulated firearms.

~~BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–104(a), (b), and (c)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section ~~4–104(a)(1), (3), and (4), (c), and (d)~~ 4–104(d) 4–203(a) and (c)(1)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

*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)*

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–133, 5–304, 5–306, and ~~5–309~~ 5–310 through 5–312
Annotated Code of Maryland
(2022 Replacement Volume)

*BY adding to
Article – Public Safety
Section 5–147
Annotated Code of Maryland
(2022 Replacement Volume)*

BY repealing and reenacting, without amendments,

Article – Public Safety
Section 5–301(a), (b), (c), and (e) ~~and, 5–303, and 5–309~~
Annotated Code of Maryland
(2022 Replacement Volume)

~~BY adding to~~

~~Article – Health – General~~

~~Section 13–39A–01 to be under the new subtitle “Subtitle 39A. Youth Suicide
Prevention and Firearm Safe Storage”~~

~~Annotated Code of Maryland~~

~~(2019 Replacement Volume and 2022 Supplement)~~

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

Article – Criminal Law

~~4–104.~~

(a) (1) ~~In this section the following words have the meanings indicated.~~

(2) ~~“Ammunition” means a cartridge, shell, or other device containing
explosive or incendiary material designed and intended for use in a firearm.~~

(3) ~~“Child” means an individual under the age of 16 years.~~

(4) (i) ~~“Firearm” means a handgun, rifle, shotgun, short barreled rifle,
or short barreled shotgun, as those terms are defined in § 4–201 of this title, or any other
firearm.~~

(ii) ~~“Firearm” does not include an antique firearm as defined in §
4–201 of this title.~~

(b) ~~This section does not apply if:~~

(1) ~~the [child’s] MINOR’S access to a firearm is supervised by an individual
at least 18 years old;~~

(2) ~~the [child’s] MINOR’S access to a firearm was obtained as a result of an
unlawful entry;~~

(3) ~~the firearm is in the possession or control of a law enforcement officer
while the officer is engaged in official duties; or~~

(4) ~~the [child] MINOR has a certificate of firearm and hunter safety issued
under § 10–301.1 of the Natural Resources Article.~~

~~(e) A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child MINOR would gain access to the firearm.~~

~~(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.~~

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.

(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.

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.

Article – Public Safety

5-133.

(a) This section supersedes any restriction that a local jurisdiction in the State imposes on the possession by a private party of a regulated firearm, and the State preempts the right of any local jurisdiction to regulate the possession of a regulated firearm.

(b) Subject to § 5-133.3 of this subtitle, a person may not possess a regulated firearm if the person:

(1) has been convicted of a disqualifying crime;

(2) has been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;

(3) SUBJECT TO SUBSECTION (B-1) OF THIS SECTION, IS ON SUPERVISED PROBATION AFTER BEING CONVICTED:

(I) AFTER BEING CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR 1 YEAR OR MORE;

(II) FOR A VIOLATION OF § 21-902(B) OR (C) OF THE TRANSPORTATION ARTICLE; OR

(III) FOR VIOLATING A PROTECTIVE ORDER UNDER § 4-509 OF THE FAMILY LAW ARTICLE;

(4) (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;~~

[(3)] ~~(5)~~ (4) is a fugitive from justice;

[(4)] ~~(6)~~ (5) is a habitual drunkard;

[(5)] ~~(7)~~ (6) is addicted to a controlled dangerous substance or is a habitual user;

[(6)] ~~(8)~~ (7) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health – General Article and has a history of violent behavior against the person or another;

[(7)] ~~(9)~~ (8) has been found incompetent to stand trial under § 3–106 of the Criminal Procedure Article;

[(8)] ~~(10)~~ (9) has been found not criminally responsible under § 3–110 of the Criminal Procedure Article;

[(9)] ~~(11)~~ (10) has been voluntarily admitted for more than 30 consecutive days to a facility as defined in § 10–101 of the Health – General Article;

[(10)] ~~(12)~~ (11) has been involuntarily committed to a facility as defined in § 10–101 of the Health – General Article;

[(11)] ~~(13)~~ (12) is under the protection of a guardian appointed by a court under § 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;

[(12)] ~~(14)~~ (13) except as provided in subsection (e) of this section, is a respondent against whom:

(i) a current non ex parte civil protective order has been entered under § 4–506 of the Family Law Article; or

(ii) 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

[(13)] ~~(15)~~ (14) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult.

(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.

(c) (1) A person may not possess a regulated firearm if the person was previously convicted of:

(i) a crime of violence;

(ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-612, § 5-613, § 5-614, § 5-621, or § 5-622 of the Criminal Law Article; or

(iii) an offense under the laws of another state or the United States that would constitute one of the crimes listed in item (i) or (ii) of this paragraph if committed in this State.

(2) (i) Subject to paragraph (3) of this subsection, a person who violates this subsection is guilty of a felony and on conviction is subject to imprisonment for not less than 5 years and not exceeding 15 years.

(ii) The court may not suspend any part of the mandatory minimum sentence of 5 years.

(iii) Except as otherwise provided in § 4-305 of the Correctional Services Article, the person is not eligible for parole during the mandatory minimum sentence.

(3) At the time of the commission of the offense, if a period of more than 5 years has elapsed since the person completed serving the sentence for the most recent conviction under paragraph (1)(i) or (ii) of this subsection, including all imprisonment, mandatory supervision, probation, and parole:

(i) the imposition of the mandatory minimum sentence is within the discretion of the court; and

(ii) the mandatory minimum sentence may not be imposed unless the State's Attorney notifies the person in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

(4) Each violation of this subsection is a separate crime.

(5) A person convicted under this subsection is not prohibited from participating in a drug treatment program under § 8-507 of the Health – General Article because of the length of the sentence.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who is under the age of 21 years may not possess a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) the temporary transfer or possession of a regulated firearm if the person is:

1. under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and

2. acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) the transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) a member of the armed forces of the United States or the National Guard while performing official duties;

(iv) the temporary transfer or possession of a regulated firearm if the person is:

1. participating in marksmanship training of a recognized organization; and

2. under the supervision of a qualified instructor;

(v) a person who is required to possess a regulated firearm for employment and who holds a permit under Subtitle 3 of this title; or

(vi) the possession of a firearm for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

(e) This section does not apply to a respondent transporting a regulated firearm if the respondent is carrying a civil protective order requiring the surrender of the regulated firearm and:

(1) the regulated firearm is unloaded;

(2) the respondent has notified the law enforcement unit, barracks, or station that the regulated firearm is being transported in accordance with the civil protective order; and

(3) the respondent transports the regulated firearm directly to the law enforcement unit, barracks, or station.

(f) This section does not apply to the carrying or transporting of a regulated firearm by a person who is carrying a court order requiring the surrender of the regulated firearm, if:

(1) the firearm is unloaded;

(2) the person has notified a law enforcement unit, barracks, or station that the firearm is being transported in accordance with the order; and

(3) the person transports the firearm directly to a State or local law enforcement agency or a federally licensed firearms dealer.

~~(G) SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF § 4-104 OF THE CRIMINAL LAW ARTICLE MAY NOT POSSESS A REGULATED FIREARM FOR 5 YEARS FOLLOWING THE DATE OF THE CONVICTION.~~

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.

1 5–301.

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

3 (b) “Handgun” has the meaning stated in § 4–201 of the Criminal Law Article.

4 (c) “Permit” means a permit issued by the Secretary to carry, wear, or transport
5 a handgun.

6 (e) “Secretary” means the Secretary of State Police or the Secretary’s designee.

7 5–303.

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

10 5–304.

11 (a) An application for a permit shall be made under oath.

12 (b) (1) Subject to subsections (c) and (d) of this section, the Secretary may
13 charge a nonrefundable fee payable when an application is filed for a permit.

14 (2) The fee may not exceed:

15 (i) ~~[\$75] \$150~~ \$125 for an initial application;

16 (ii) ~~[\$50] \$100~~ \$75 for a renewal or subsequent application; and

17 (iii) ~~[\$10] \$20~~ for a duplicate or modified permit.

18 (3) The fees under this subsection are in addition to the fees authorized
19 under § 5–305 of this subtitle.

20 (c) The Secretary may reduce the fee under subsection (b) of this section
21 accordingly for a permit that is granted for one day only and at one place only.

22 (d) The Secretary may not charge a fee under subsection (b) of this section to:

23 (1) a State, county, or municipal public safety employee who is required to
24 carry, wear, or transport a handgun as a condition of governmental employment; or

25 (2) a retired law enforcement officer of the State or a county or municipal
26 corporation of the State.

(e) The applicant shall pay a fee under this section by an electronic check, a credit card, or a method of online payment approved by the Secretary.

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~~ A PERSON WHO IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES ~~OR~~, THE NATIONAL GUARD, OR THE UNIFORMED SERVICES;

(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 ON SUPERVISED PROBATION FOR:

(I) CONVICTION OF A CRIME PUNISHABLE BY IMPRISONMENT FOR 1 YEAR OR MORE;

(II) A VIOLATION OF § 21–902(B) OR (C) OF THE TRANSPORTATION ARTICLE; OR

(III) VIOLATING A PROTECTIVE ORDER UNDER § 4–509 OF THE FAMILY LAW ARTICLE;

[(4)] (5) 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;

(6) 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;

(7) HAS NOT BEEN INVOLUNTARILY ADMITTED FOR MORE THAN 30 CONSECUTIVE DAYS TO A FACILITY AS DEFINED IN § 10–101 OF THE HEALTH – GENERAL ARTICLE;

(8) 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)] (9) 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 AND FEDERAL firearm [law] LAWS;~~

~~2. home firearm safety; [and]~~

~~3. handgun mechanisms and operation; and~~

~~4. STATE SELF-DEFENSE LAW, INCLUDING:~~

~~A. THE JUSTIFIABLE USE OF FORCE OR DEADLY FORCE;~~

~~AND~~

~~B. THE PROPORTIONAL USE OF FORCE IN SELF-DEFENSE AND CONFLICT DE-ESCALATION AND RESOLUTION; AND~~

~~(iii) a firearms qualification component that [demonstrates the applicant's proficiency and use of the firearm] INCLUDES LIVE FIRE SHOOTING EXERCISES ON A FIRING RANGE AND REQUIRES THE APPLICANT TO DEMONSTRATE:~~

~~1. SAFE HANDLING OF A HANDGUN; AND~~

~~2. SHOOTING PROFICIENCY WITH A HANDGUN MEETS~~
THE MINIMUM CRITERIA SPECIFIED IN SUBSECTION (A-1) OF THIS SECTION; and

[(6)] (10) 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 OTHERWISE 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 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;

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

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

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

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

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

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

18 10. THE LAW PROHIBITING STRAW PURCHASES;

19 11. THE LAW CONCERNING ARMED TRESPASS UNDER §
20 6-411 OF THE CRIMINAL LAW ARTICLE; AND

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

24 (II) HOME FIREARM SAFETY;

25 (III) HANDGUN MECHANISMS AND OPERATIONS;

26 (IV) CONFLICT DE-ESCALATION AND RESOLUTION;

27 (V) ANGER MANAGEMENT; AND

28 (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.**

(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 ON OR AFTER OCTOBER 1, 2023, OF A SECOND OR SUBSEQUENT VIOLATION OF § 4–104 OF THE CRIMINAL LAW ARTICLE; OR

(II) HAS BEEN CONVICTED ON OR AFTER OCTOBER 1, 2023, 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~~ MINOR CAUSING DEATH OR SERIOUS BODILY INJURY TO THE ~~CHILD~~ MINOR 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 ON OR AFTER OCTOBER 1, 2023, 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.

5–309.

(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 ~~13~~ 2 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,] **EACH YEAR BEGINNING IN 2024, THE SECRETARY AND** 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~~;~~.

(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:

~~(5)~~ **(I)** THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT WERE SUBMITTED TO THE SECRETARY WITHIN THE PREVIOUS YEAR, ~~BROKEN DOWN BY COUNTY IN WHICH THE APPLICANTS RESIDE, AS WELL AS THE RACE, AGE, AND GENDER OF THE APPLICANTS;~~

~~(6)~~ **(II)** THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT WERE GRANTED BY THE SECRETARY WITHIN THE PREVIOUS YEAR, ~~BROKEN DOWN BY COUNTY IN WHICH THE APPLICANTS RESIDE, AS WELL AS THE RACE, AGE, AND GENDER OF THE APPLICANTS;~~

~~(7)~~ **(III)** THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT WERE DENIED BY THE SECRETARY WITHIN THE PREVIOUS YEAR, ~~BROKEN DOWN BY COUNTY IN WHICH THE APPLICANTS RESIDE, AS WELL AS THE RACE, AGE, AND GENDER OF THE APPLICANTS;~~

~~(8)~~ **(IV)** THE TOTAL NUMBER OF PERMIT APPLICATIONS THAT WERE REVOKED WITHIN THE PREVIOUS YEAR, ~~BROKEN DOWN BY COUNTY IN WHICH THE APPLICANTS RESIDE, AS WELL AS THE RACE, AGE, AND GENDER OF THE APPLICANTS;~~
AND

~~(9) (V) THE TOTAL NUMBER OF PERMIT APPLICATIONS FILED WITH THE SECRETARY THAT ARE PENDING AT THE TIME OF THE ISSUANCE OF THE REPORT, BROKEN DOWN BY COUNTY IN WHICH THE APPLICANTS RESIDE, AS WELL AS THE RACE, AGE, AND GENDER OF THE APPLICANTS.~~

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

~~Article—Health—General~~

~~SUBTITLE 39A. YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE.~~

~~13-39A-01.~~

~~(A) IN THIS SECTION, "GUIDE" MEANS THE YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(B) ON OR BEFORE JANUARY 1, 2024, THE DEPUTY SECRETARY FOR PUBLIC HEALTH SERVICES SHALL DEVELOP A YOUTH SUICIDE PREVENTION AND FIREARM SAFE STORAGE GUIDE.~~

~~(C) THE GUIDE DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION SHALL:~~

~~(1) PROVIDE A DESCRIPTION OF THE FIREARM AND AMMUNITION REQUIREMENTS ESTABLISHED UNDER § 4-104(B)(4) AND (5) OF THE CRIMINAL LAW ARTICLE;~~

~~(2) IDENTIFY THE RISKS ASSOCIATED WITH UNSAFE FIREARM STORAGE FOR MINORS, INCLUDING:~~

~~(i) SUICIDE;~~

~~(ii) DEATH OR SERIOUS BODILY INJURY FROM ACCIDENTAL DISCHARGE; AND~~

~~(iii) SHOOTING INCIDENTS INVOLVING MINORS; AND~~

~~(3) INCORPORATE BEST PRACTICES FOR FIREARM AND AMMUNITION SAFE STORAGE.~~

~~(D) THE DEPARTMENT SHALL:~~

~~(1) POST THE GUIDE ON ITS WEBSITE;~~

~~(2) MAKE AN ELECTRONIC VERSION OF THE GUIDE AVAILABLE TO FAMILIES, HEALTH AND SOCIAL SERVICES PROVIDERS, AND ANY OTHER ENTITIES THAT HAVE AN INTEREST IN YOUTH SUICIDE PREVENTION OR FIREARMS STORAGE, INCLUDING:~~

~~(I) BEHAVIORAL HEALTH PROGRAMS;~~

~~(II) THE DEPARTMENT OF JUVENILE SERVICES;~~

~~(III) FIREARMS DEALERS LICENSED BY THE FEDERAL GOVERNMENT;~~

~~(IV) LOCAL HEALTH DEPARTMENTS;~~

~~(V) LOCAL SCHOOL SYSTEMS;~~

~~(VI) THE MARYLAND ASSOCIATION OF NONPUBLIC SPECIAL EDUCATION FACILITIES;~~

~~(VII) THE MARYLAND ASSOCIATION OF YOUTH SERVICE BUREAUS;~~

~~(VIII) STATE AND LOCAL LAW ENFORCEMENT AGENCIES; AND~~

~~(IX) THE STATE DEPARTMENT OF EDUCATION.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

~~(a) The Deputy Secretary for Public Health Services shall establish a stakeholder advisory committee to make recommendations regarding the development of the youth suicide prevention and firearm safe storage guide under § 13-39A-01 of the Health General Article, as enacted by Section 2 of this Act.~~

~~(b) The stakeholder advisory committee established under subsection (a) of this section shall include:~~

~~(1) behavioral health practitioners;~~

~~(2) experts on best practices for firearm and ammunition storage;~~

~~(3) families impacted by the risk of suicide by minors;~~

~~(4) health care professionals; and~~

~~(5) youth advocates.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2024, December 31, 2025, and December 31, 2026, the Deputy Secretary for Public Health Services shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on how State and local agencies have distributed the youth suicide prevention and firearm safe storage guide developed under § 13-39A-01 of the Health General Article, as enacted by Section 2 of this Act.~~

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.

SECTION ~~2~~ ~~5~~ 3. 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 ~~3~~ ~~6~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.