

HOUSE BILL 579

E4
SB 680/11 – JPR

2lr1585
CF SB 803

By: **Delegate Elliott**

Introduced and read first time: February 6, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2012

CHAPTER _____

1 AN ACT concerning

**SCROLL DOWN FOR
AMENDMENT**

2 **Public Safety – Regulated Firearms – Exemption from Training Course**

3 FOR the purpose of providing an exemption from certain requirements to complete a
4 certain firearms training course if an individual is a retired law enforcement
5 officer of a unit of the federal government, the State, or any local law
6 enforcement agency in the State; and generally relating to applicants for
7 regulated firearms.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 5–119 and 5–134(c)
11 Annotated Code of Maryland
12 (2011 Replacement Volume)

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

15 **Article – Public Safety**

16 5–119.

17 A firearm applicant is not required to complete a certified firearms training
18 course required under §§ 5–118 and 5–134 of this subtitle if the firearm applicant:

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.



1 (1) has already completed a certified firearms training course required
2 under §§ 5–118 and 5–134 of this subtitle;

3 (2) is a law enforcement officer of the State or any local law
4 enforcement agency in the State;

5 (3) **IS A RETIRED LAW ENFORCEMENT OFFICER OF A UNIT OF THE**
6 **FEDERAL GOVERNMENT, THE STATE, OR ANY LOCAL LAW ENFORCEMENT**
7 **AGENCY IN THE STATE;**

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

10 [(4)] (5) is a member of an organization that is required by federal
11 law governing its specific business or activity to maintain handguns and applicable
12 ammunition; or

13 [(5)] (6) holds a permit to carry a handgun under Subtitle 3 of this
14 title.

15 5–134.

16 (c) A person is not required to complete a certified firearms safety training
17 course under subsection (b)(14) of this section and § 5–118(b)(3)(x) of this subtitle if
18 the person:

19 (1) has already completed a certified firearms safety training course
20 required under subsection (b)(14) of this section and § 5–118(b)(3)(x) of this subtitle;

21 (2) is a law enforcement officer of the State or any local law
22 enforcement agency in the State;

23 (3) **IS A RETIRED LAW ENFORCEMENT OFFICER OF THE FEDERAL**
24 **GOVERNMENT, THE STATE, OR ANY LOCAL LAW ENFORCEMENT AGENCY IN THE**
25 **STATE;**

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

28 [(4)] (5) is a member of an organization that is required by federal
29 law governing its specific business or activity to maintain handguns and applicable
30 ammunition; or

31 [(5)] (6) has been issued a permit to carry a handgun under Subtitle
32 3 of this title.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 579
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Exemption from Training Course” and substitute “Training Requirements”; in line 3, after “of” insert “repealing a requirement that a certain firearms safety training course be conducted without charge; requiring a person to complete a certain firearms safety training course before applying for a certain permit;”; in line 10, after “Section” insert “5-118(b).”; and in the same line, strike “and 5-134(c)” and substitute “, 5-134(c), and 5-306(a)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“5-118.

(b) A firearm application shall contain:

(1) the firearm applicant’s name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color, signature, driver’s or photographic identification soundex number, occupation, and regulated firearm information for each regulated firearm to be purchased, rented, or transferred;

(2) the date and time that the firearm applicant delivered the completed firearm application to the prospective seller or transferor; and

(3) a statement by the firearm applicant under the penalty of perjury that the firearm applicant:

(i) is at least 21 years old;

(Over)

- (ii) has never been convicted of a disqualifying crime;
- (iii) has never been convicted of a violation classified as a common law crime and received a term of imprisonment of more than 2 years;
- (iv) is not a fugitive from justice;
- (v) is not a habitual drunkard;
- (vi) is not addicted to a controlled dangerous substance or is not a habitual user;
- (vii) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless a physician's certificate issued within 30 days before the date of application is attached to the application, certifying that the firearm applicant is capable of possessing a regulated firearm without undue danger to the firearm applicant or to another;
- (viii) is not a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article;
- (ix) if under the age of 30 years at the time of application, has not been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; and
- (x) subject to § 5-119 of this subtitle, has completed a certified firearms safety training course that the Police Training Commission conducts [without charge] or that meets the standards that the Police Training Commission establishes under § 3-207 of this article."

AMENDMENT NO. 3

On page 2, after line 32, insert:

“5-306.

(a) Subject to subsection (b) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:

(1) is an adult;

(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; [and]

(5) HAS COMPLETED A CERTIFIED FIREARMS SAFETY TRAINING COURSE IN PERSON APPROVED BY THE POLICE TRAINING COMMISSION BEFORE SUBMITTING AN APPLICATION FOR A PERMIT; AND

~~[(5)]~~ (6) 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

(Over)

(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.”.