

HOUSE BILL 756

E4

3lr2753

By: **Delegates Grammer and Tomlinson**

Introduced and read first time: February 8, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Handgun Permits – Expunged Conviction**

3 FOR the purpose of clarifying that an expunged conviction does not constitute a conviction
4 that disqualifies a person from eligibility for a handgun permit; and generally
5 relating to handgun permits.

6 BY repealing and reenacting, without amendments,
7 Article – Public Safety
8 Section 5–301(a), (b), (c), and (e)
9 Annotated Code of Maryland
10 (2022 Replacement Volume)

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 5–306
14 Annotated Code of Maryland
15 (2022 Replacement Volume)

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

18 **Article – Public Safety**

19 5–301.

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 5-306.

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

5 (1) is an adult;

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

8 (ii) if convicted of a crime described in item (i) of this item, has been
9 pardoned [or has], granted relief under 18 U.S.C. § 925(c), **OR GRANTED A PETITION FOR**
10 **EXPUNGEMENT OF THE CONVICTION UNDER TITLE 10, SUBTITLE 1 OF THE**
11 **CRIMINAL PROCEDURE ARTICLE;**

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

14 **(II) IF CONVICTED OF A CRIME DESCRIBED IN ITEM (I) OF THIS**
15 **ITEM, HAS BEEN GRANTED A PETITION FOR EXPUNGEMENT OF THE CONVICTION**
16 **UNDER TITLE 10, SUBTITLE 1 OF THE CRIMINAL PROCEDURE ARTICLE;**

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

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

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

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

27 (ii) classroom instruction on:

28 1. State firearm law;

29 2. home firearm safety; and

30 3. handgun mechanisms and operation; and

1 (iii) a firearms qualification component that demonstrates the
2 applicant's proficiency and use of the firearm; and

3 (6) based on an investigation:

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

7 (ii) has good and substantial reason to wear, carry, or transport a
8 handgun, such as a finding that the permit is necessary as a reasonable precaution against
9 apprehended danger.

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

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

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

17 (3) is a qualified handgun instructor; or

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

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

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

23 (2) adjudicated delinquent by a juvenile court for:

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

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

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

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

HOUSE BILL 756

- 1 (1) meets the requirements for issuance of a permit under this section; and
- 2 (2) does not have a handgun qualification license issued under § 5–117.1 of
- 3 this title.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

5 October 1, 2023.