

1972 Handgun Carry Permit Law

Archives of Maryland Vol. 708 p. 48-51 (related stuff starting at p. 38)

36E. Permits.

(a) A permit to carry a handgun ~~may~~ SHALL be issued WITHIN A REASONABLE TIME by the Superintendent of the Maryland State Police, upon application under oath therefor, to any person whom he finds:

(1) is twenty-one years of age or older; and

(2) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted of such a crime, has been pardoned OR HAS BEEN GRANTED RELIEF PURSUANT TO TITLE 18, SECTION 925 (C) OF THE UNITED STATES CODE; and

(8) has not been committed to any detention, training, or correctional institution for juveniles for longer than one year after an adjudication of delinquency by a Juvenile Court; provided, however, that a person shall not be disqualified by virtue of this paragraph (3) if, at the time of the application, more than ten years has elapsed since his release from such institution; and

(4) has not been convicted of any offense involving the possession, use, or distribution of controlled dangerous substances; and is not presently an addict, an habitual user of any controlled dangerous substance NOT UNDER LEGITIMATE MEDICAL DIRECTION or an alcoholic; and

(5) has in the ~~judgment of the Superintendent~~, BASED ON THE RESULTS OF INVESTIGATION, not exhibited a propensity for violence or instability which may reasonably render his possession of a handgun a danger to himself or other law abiding persons; and

(6) has ~~in the judgment of the Superintendent~~, BASED ON THE RESULTS OF INVESTIGATION, good and substantial reason to wear, carry, or transport a handgun. , PROVIDED HOWEVER, THAT THE PHRASE "GOOD AND SUBSTANTIAL REASON" AS USED HEREIN SHALL BE DEEMED TO INCLUDE ~~THE STATEMENT BY ANY APPLICANT UNDER THIS SECTION A FINDING THAT SUCH PERMIT IS NECESSARY AS A REASONABLE PRECAUTION AGAINST APPREHENDED DANGER.~~

(b) The Superintendent may charge a non-refundable fee not to exceed ~~\$25.00~~, \$15.00, payable at the time an application for a permit or renewal of a permit is filed. All such fees collected by the Superintendent shall be credited to a special fund for the account of the Maryland State Police. The expenses of administering the provisions of this Section

36E, except for the per diem compensation and expenses of the Handgun Permit Review Board, shall be paid from the said special fund, but nothing shall preclude the Governor from including general fund appropriations in his Executive Budget for such purposes if the special fund is inadequate therefor.

(c) A permit issued under this section shall expire on the last day of the holder's birth month following two years after its issuance. The permit may be renewed, upon application and payment of the renewal fee, for successive periods of two years each, if the applicant, at the time of application, possesses the qualifications set forth in this section for the issuance of a permit.

(d) The Superintendent may, in any permit issued under this section, limit the geographic area, circumstances, or times during the day, week, month, or year in or during which the permit is effective. THE SUPERINTENDENT MAY REDUCE THE COST OF THE PERMIT ACCORDINGLY, IF THE PERMIT IS GRANTED FOR ONE DAY ONLY AND AT ONE PLACE ONLY.

(e) Any person to whom a permit shall be issued or renewed shall carry such permit in his possession every time he carries, wears, or transports a handgun. A PERMIT ISSUED PURSUANT TO THIS SECTION SHALL BE VALID FOR ANY HANDGUN LEGALLY IN THE POSSESSION OF THE PERSON TO WHOM THE PERMIT WAS ISSUED.

(f) The Superintendent may revoke any permit issued or renewed at any time upon a finding that (i) the holder no longer satisfies the qualifications set forth in subsection (a), or (ii) the holder of the permit has violated subsection (e) hereof. A person holding a permit which is revoked by the Superintendent shall return the permit to the Superintendent within ten days after receipt of notice of the revocation. Any person who fails to return a revoked permit in violation of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than \$100 or more than \$1,000, or be imprisoned for not more than one year, or both.

(g) (i) There is created a Handgun Permit Review Board as a separate agency within the Department of Public Safety and Correctional Services. The Board shall consist of ~~three members appointed from the general public by the Governor WITH THE CONSENT OF THE SENATE~~ and serving at the pleasure of the

~~Governor.~~ OF FIVE MEMBERS APPOINTED FROM THE GENERAL PUBLIC BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND AND SHALL HOLD OFFICE FOR TERMS OF THREE YEARS/THE MEMBERS SHALL HOLD OFFICE FOR A TERM OF ONE, TWO, AND THREE YEARS, RESPECTIVELY, TO BE DESIGNATED BY THE GOVERNOR, AFTER THE FIRST APPOINTMENT, THE GOVERNOR SHALL ANNUALLY APPOINT A MEMBER OF THE BOARD IN THE PLACE OF THE MEMBER WHOSE TERM SHALL EXPIRE. MEMBERS OF THE BOARD SHALL BE ELIGIBLE FOR REAPPOINTMENT. IN CASE OF ANY VACANCY IN THE BOARD, THE

GOVERNOR SHALL FILL THE VACANCY BY THE APPOINTMENT OF A MEMBER TO SERVE UNTIL THE EXPIRATION OF THE TERM FOR WHICH THE PERSON HAD BEEN APPOINTED. *Each member of the Board shall receive per diem compensation as provided in the budget for each day actually engaged in the discharge of his official duties as well as reimbursement for all necessary and proper expenses, (ii) Any person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the Board to review the decision of the Superintendent by filing a written request for review with the Board within ten days after receipt of written notice of the Superintendent's action. The Board shall either sustain, reverse, or modify the decision of the Superintendent upon a review of the record, or conduct a hearing within thirty days after receipt of the request. (iii) Any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with the provisions of the Administrative Procedure Act; provided, however, that no court of this State shall order the issuance or renewal of a permit or alter any limitations on a permit pending final determination of the proceeding. (IV) ANY PERSON WHOSE APPLICATION FOR A PERMIT OR RENEWAL OF A PERMIT HAS NOT BEEN ACTED UPON BY THE SUPERINTENDENT WITHIN 60 DAYS AFTER THE APPLICATION WAS SUBMITTED, MAY REQUEST THE BOARD FOR A HEARING BY FILING A WRITTEN REQUEST FOR SUCH A HEARING WITH THE BOARD.*

(h) Notwithstanding any other provision of this subheading, the following persons may, to the extent authorized prior to the effective date of this subtitle and subject to the conditions specified in this paragraph and paragraph (i) hereof continue to wear, carry, or transport a handgun without a permit:

(1) holders of Special Police Commissions issued under Sections 60 to 70 of Article 41 of the Annotated Code of Maryland, while actually on duty on the property for which the Commission was issued or while travelling to or from such duty;

(2) uniformed security guards ~~or~~, SPECIAL RAILWAY POLICE, AND watchmen who have been cleared for such employment by the Maryland State Police, while in the course of their employment or while travelling to or from the place of employment;

(3) guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while travelling to or from the place of employment;

(4) private detectives and employees of private detectives previously licensed under former Section 90A of Article 56 of the Annotated Code of Maryland, while in the course of their employment, or while travelling to or from the place of employment.

(i) Each person referred to in paragraph (h) hereof shall, within one year after the effective date of this subtitle, make application for a permit as provided in this section. SUCH APPLICATION SHALL INCLUDE EVIDENCE SATISFACTORY TO THE

SUPERINTENDENT OF THE MARYLAND STATE POLICE THAT THE APPLICANT IS TRAINED AND QUALIFIED IN THE USE OF HANDGUNS. *The right to wear, carry, or transport a handgun provided for in paragraph (h) hereof shall terminate at the expiration of one year after the effective date of this subtitle if no such application is made, or immediately upon notice to the applicant that his application for a permit has not been approved.*

(J) AS USED IN THIS SECTION, SUPERINTENDENT MEANS THE SUPERINTENDENT OF THE MARYLAND STATE POLICE, ACTING DIRECTLY OR THROUGH HIS DULY AUTHORIZED OFFICERS AND AGENTS.

(K) IT IS UNLAWFUL FOR A PERSON TO WHOM A PERMIT HAS BEEN ISSUED OR RENEWED TO CARRY, WEAR, OR TRANSPORT A HANDGUN WHILE HE IS ~~IN AN INTOXICATED CONDITION.~~ UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. A PERSON VIOLATING THIS SUBSECTION IS GUILTY OF A MISDEMEANOR, AND UPON CONVICTION HE SHALL BE FINED \$1,000 OR BE IMPRISONED FOR NOT MORE THAN ONE YEAR OR BOTH.