



MARYLAND STATE POLICE STANDARD OPERATING PROCEDURE



Processing of Handgun Permit Applications

Distribution:	Licensing Division Personnel	Index:	SOP 29-15-007				
Responsible Unit:	Handgun Permit Unit	Rescinds:	29-13-009				
DLI Program:	N/A	MD CODE:	See References				
Issued:	09/01/15	Revised:	08/24/15	Reviewed:	07/07/15	Next Review:	09/01/2016

.01 Purpose

To establish guidelines and policies for the approval and denial of wear and carry handgun permit applications, both new and renewal, and applying the appropriate restriction on issued permits.

.02 Policy

It is the policy of the Licensing Division to properly investigate every application, both new and renewal, for a wear and carry handgun permit and apply an appropriate restriction to issued permits in conformance with: 18 U.S.C. § 922(g) (1-9), Annotated Code of Maryland, Public Safety Article, Title 5, Sub-Title 3, Annotated Code of Maryland, Public Safety Article, § 5-133 and the Code of Maryland Regulations, Title 29.03.02.

.03 Definitions

APPREHENDED DANGER/FEAR: an objectively established concern that the applicant's life is in danger or that he/she is being targeted by individuals wishing to do him or her harm.

ARMORED CAR DRIVER: an individual who is employed by a legitimate armored services company and conducts business as described in Public Law 103-55, "Armored Car Industry Reciprocity Act of 1993."

ASSUMED RISK POSITION: a position of government/public safety/criminal justice employment where, by virtue of the positions duties and responsibilities, the employee voluntarily and knowingly assumes the risks that those duties will either place their lives in imminent danger and/or subject them to be targeted by individuals or entities seeking to do them harm as a result of performing those duties or responsibilities.

Background Checks: criminal history and mental health record checks conducted via the submission of CJIS and/or FBI fingerprint cards and/or criminal history checks conducted by Licensing Division personnel via authorized certifications and CJIS/NICS query capable terminals.

BAIL BONDSMEN: an individual who is employed by a licensed bail bond agency, and acts in accordance with the common law authority of United States Code Service, Title 15, Commerce and Trade, Chapter 83, U.S. 366 (1872) or possesses a valid private detective license.

BUSINESS: a person's regular occupation, profession or trade.

BUSINESS OWNER/ EMPLOYEE: an individual who has verifiable documentation, certificates, or licenses legitimizing a legal business or an individual employed by such a business.

CORRECTIONAL OFFICER: an individual who is employed by a governmental agency whose primary function is to safeguard, transport or secure individuals who have been incarcerated.

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GOOD AND SUBSTANTIAL REASON: an objective determination, arrived at by the assigned Maryland State Police Licensing Division employee based upon his investigation that the wearing, carrying or transporting of a handgun by the applicant is necessary for the applicant's:

1. Business activities, either as the business owner or upon request of the owner on behalf of an employee.
2. Employment in a regulated profession such as security guard, private detective, armored car driver, and/or special police officer or rail road police officer.
3. Employment in an assumed risk position.
4. Personal protection - Personal protection requires:
 - a. Tangible evidence or evidence that may be documented and affirmed that the applicant's life is in imminent danger and/or
 - b. Tangible evidence or evidence that may be documented or affirmed that the applicant is currently being targeted by individuals wishing to do the applicant harm.

HANDGUN PERMIT REVIEW BOARD: a panel of five individuals appointed by the Governor who serve under the Department of Public Safety and Correctional Services and fulfill the obligations established in Public Safety Article, Title 5-312.

INVESTIGATIVE STAFF REVIEW: a face-to-face meeting between an applicant who is denied a permit or renewal or whose permit is revoked or limited and the assigned member of the Handgun Permit Unit to discuss and review documents, information submitted on behalf of the applicant. The purpose of the meeting to discuss the shortcomings or lack of substance required to approve the request to wear, carry or transport a handgun.

INFORMAL COMMAND REVIEW: a face-to-face meeting between an applicant who disagrees with the decision to either deny his/her permit or renewal or revoke or limit his/her permit and the Commander or an assigned member of command staff in order to sustain, reverse, or modify the initial action taken.

LOTUS NOTES: the application tracking system database and master record used by the Handgun Permit Unit.

MONETARY INSTRUMENTS: Defined by the below list which is not intended to be all inclusive:

1. Coins or currency from the U.S. and/or other countries, including gold coins.
2. Travelers Checks.
3. Checks, promissory notes or money orders.
4. Securities or stocks in bearer form.
5. Gift cards or other cards of credit.

PERSONAL PROTECTION: a good and substantial reason for the wearing, carrying or transporting of a handgun for an individual who is at significant risk of danger from another individual(s) and where the individual's apprehended fear of reprisal is based on more than his/her personal anxiety and beyond that of the average citizen that he is being targeted by individuals wishing to him harm.

POLICE OFFICER: an individual, who in an official capacity is authorized by law to make arrests and is a member of a recognized law enforcement agency.

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PRIVATE DETECTIVE: a certified individual who is employed by and provides private investigative services on behalf of any licensed private detective pursuant to Business Occupation and Professions, Annotated Code of Maryland, Title 13.

PRIVATE SECURITY OFFICER: an individual employed by any legitimate company/ business, whose responsibilities are providing security services exclusively for that company.

SECURITY GUARD: a certified individual who is employed by and provides security guard services on behalf of any licensed security guard agency pursuant to Business Occupation and Professions, Annotated Code of Maryland Title 19.

SPECIAL POLICE OFFICER: an individual who holds a valid special police officer commission issued under Public Safety Article, Title 3.

.04 References

[18 USC § 922\(g\)\(1-9\)](#)

[MD. CODE ANN., PUB. SAFETY §5-133](#)

[MD. CODE ANN., PUB. SAFETY §5-301, et seq.](#)

[COMAR 29.03.02](#)

.05 CALEA Standards

LE: N/A

TA: N/A

CM: N/A

.06 Procedures

A. Responsibilities

1. The Commander, of Licensing Division, or his designee, is authorized to act on behalf of the Secretary of the Maryland State Police when administering the laws and regulations established for the processing and issuance of handgun permits.
2. The Commander of the Licensing, or his designee, will conduct an Informal Command Review when properly requested, by any person who is denied a permit or renewal of a permit or whose permit is revoked or limited 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, pursuant to Public Safety Article § 5-311.
3. The Handgun Permit Unit personnel will:
 - a. Ensure all permits are issued in accordance with: 18 U.S.C. §922(g) (1-9), the Annotated Code of Maryland, Public Safety Article §5, Sub-Title 3, Annotated Code of Maryland, Public Safety Article §5-133 and the Code of Maryland Regulations, Title 29.03.02.
 - b. Assign within three business days of receipt, applicable applications to the Administrative Investigation Unit to complete the investigation required in Public Safety Article § 5-306.

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- c. Ensure all applicants meet the requirements outlined in Public Safety Article § 5-306.
 - d. Conduct all National Instant Criminal Background Check (NICS) and Department of Health & Mental Hygiene (DHMH) queries and analyze responses against qualifications and restrictions on the possession of regulated firearms, as outlined in Public Safety Article, §5-133.
 - e. Approve or deny all initial applications within 90 days of receipt of a completed application.
 - f. Approve and deny all renewal applications within 30 days of receipt of a completed application.
 - g. Track all applications, initial and renewal, to ensure issuance within 90 days or 30 days respectively.
 - h. Provide competent, transparent and professional service to all applicants.
 - i. Conduct Investigative Staff Review meetings, when requested by either the Commander, his/her designee or an applicant.
 - j. Maintain all records and track all decisions, as required, of the Handgun Permit Review Board.
 - k. Act as the Division's liaison for the Handgun Permit Review Board.
4. The Administrative Investigation Unit will:
- a. Assign firearm investigators assigned to the Licensing Division to complete the investigation required in Public Safety Article § 5-306 (a) (6) (i) & (ii) using the Division's worksheet, MSP Form 29-04 within 45 days from receipt of an application by the Handgun Permit Unit.
 - b. Render an informed decision based upon facts collected and confirmed as to whether or not an applicant meets qualifications.
 - c. Complete all investigations and reports according to S.O.P. 29-13-001.

B. Initial Handgun Permit Applications

- 1. Applications for a Maryland handgun permit will be forwarded to the Licensing Division's Handgun Permit Unit.
- 2. Applications should be stamped with the date received upon delivery to Licensing Division.
- 3. Handgun Permit Unit's personnel will review the application for completeness no later than three business days from receipt. If the application is not complete, the Handgun Permit Unit's supervisor will determine whether the applicant will be e-mailed explaining the shortage or the entire application will be returned to the applicant with an explanation as to why the package was unable to be processed. In either case, corresponding notes will be logged in the Handgun Permit Unit's folder in the department's shared drive. Unit members will make every effort to process applications that may be missing information which may be added to the file at a later time.
- 4. Acceptable applications will be entered into the Licensing Division's Lotus Notes Application Tracking System.

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5. All checks and/or money orders received with the application will be processed in accordance with ADM 10.03 and S.O.P. 29-13-014.
6. The Handgun Permit Unit will make an entry into Lotus Notes that indicate the date the fingerprints were taken. Likewise, the Handgun Permit Unit will note the date the Unit receives the results of the Maryland Criminal Justice Information System (CJIS), National Instant Criminal Background Check (NICS), Department of Health & Mental Hygiene (DHMH) and the Federal Bureau of Investigation (FBI) criminal history record check results.
7. Any received handgun permit applications that indicate a request for another certification within Licensing Division, will be conspicuously marked, and a copy of the application will be forwarded to the corresponding section. The Handgun Permit Unit will track the progress of both applications and ensure the timely processing of all applications.
8. The Handgun Permit Unit will immediately, or within three business days, scan and distributed applicable, completed applications to the Administrative Investigations Unit and record the assignment in the corresponding tracking log.
9. Upon return from the Administrative Investigations Unit, the entire investigative packet; application, criminal history record checks responses, investigative reports and all documents submitted by the applicant, will be forwarded to Handgun Permit Unit's personnel assigned to determine approval or denial to conduct the NCIS and DHMH queries and make final determination.

NOTE: Handgun Permit Unit's personnel assigned to review applications to determine approval or denial must inform the Commander or his designee anytime his determination of an applicant's qualification(s) differs from that of the assigned firearm investigator so that proper reconciliation may be accomplished.

10. Approved applications will be processed for photograph scanning, handgun permit card printing and mailed to the applicant with the approval letter with five days of completion. Should processing extend beyond 90 days, the applicant will be notified, via e-mail or telephone, as to the reason for the delay and provided with an expected date of completion. Appropriate comments will be entered into Lotus Notes.
 - a. Notification of Approval letters will:
 - (1) Outline any restrictions to the permit.
 - (2) Detail the permit holders obligations and responsibilities.
 - (3) Inform the applicant where he may find relevant Maryland statutes and regulations concerning the wearing, carrying and transportation of a regulated firearm.
 - (4) Provide the permit holder with renewal information.
 - b. Notification of Denial letters will:
 - (1) Inform the applicant of a disapproved application and identify which of the possession prohibitors are applicable, as outlined in Public Safety Article § 5-133.
 - (2) Inform the applicant of his/her option to request either an Investigative Staff Review or an Informal Command Review, defining each option and the procedures required to make the request.

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(3) Inform the applicant of the procedures required to appeal the decision to the Handgun Permit Review Board pursuant to Public Safety Article § 5-312.

11. A letter of denial will be attached to the stored file and appropriate comments will be entered into Lotus Notes.

Exception: The handgun permit certification card from applications that are approved as a requirement of employment will be mailed to the applicant's employer within five days from completion. Should mailing be delayed, the applicant's employer/sponsor will be notified, via electronic mail or telephone.

12. Upon conclusion of the processing of the applications, the handgun permit application folder will be filed in the Handgun Permit Unit's storage facility.

C. Renewal Handgun Permit Applications

Renewal applications will require the applicant to submit current documentation, as was required with the initial application for a handgun permit.

1. Steps 1 through 7, as outlined above, will be followed.
2. Handgun Permit Unit's administrative personnel will conduct the State and federal criminal history checks. Appropriate comments will be entered into Lotus Notes.
3. Steps 10 through 12, as outlined above, will be followed.
4. Renewal applications will be processed within 30 days and following the same approval notification requirements outlined in B. 10 (a). Should the processing extend beyond 30 days, the applicant will be notified, via e-mail or telephone, as to the reason for the delay and provided with an expected date of completion.

D. Denial Procedures

1. The applicant of a disapproved application for renewal will be mailed a disapproval letter within 30 days of receipt of the application and following the same denial notification requirements outlined in B. 10 (b). If applicable, a copy of the letter will be mailed to the applicant's employer. Appropriate comments will be entered into Lotus Notes. The denial notification will be attached to the stored file.
2. Upon conclusion of the processing of the applications, the handgun permit application folder will be filed in the Handgun Permit Unit's storage facility.

E. Alternative Processing Procedures

The processing of applications for active, retired or former Maryland and applicable federal law enforcement officers will be processed considering S.O.P. 29-14-004.

F. Required Language on all Issued Permits

1. "Not Valid Where Firearms are Prohibited."
2. "MD only", except armored car drivers/guards.
3. May not carry, wear or transport a handgun while under the influence of alcohol or drugs.

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G. Restrictions / Handgun Permit Categories

Provided the required documentation parameters are met, the handgun permit language will read as identified in the below subsection, consistent with the appropriate handgun permit category.

1. Personal Protection: NONE (MD ONLY)(Not VALID where firearms are prohibited.)
2. Police Officer; Active: Off Duty hours while maintaining employment as a police officer with any recognized law enforcement agency. (MD ONLY) (Not VALID where firearms are prohibited.)
3. Police Officer; Retired: NONE (MD ONLY)(Not VALID where firearms are prohibited.)
4. Business Owner: Valid only while conducting business as owner of _____ (MD ONLY) (Not VALID where firearms are prohibited.) OR Valid only while conducting business as employee/position of _____.
5. Security Guard: Between residence and (or) Armed on any Maryland Licensed Security Guard (or) Private Detective agency job assignment or property only, and while actively engaged as a certified Armed Security Guard (or) Private Detective for same. (ON DUTY IN MD ONLY) (Not VALID where firearms are prohibited.)
6. Private Detective: Between residence and (or) Armed on any Maryland Licensed Security Guard (or) Private Detective agency job assignment or property only, and while actively engaged as a certified Armed Security Guard (or) Private Detective for same. (ON DUTY IN MD ONLY) (Not VALID where firearms are prohibited.)
7. Armored Car Driver: Between residence and (or) Armed on , name of agency job assignment or property only, and while actively engaged as an Armored Car Driver/Guard for same (ON DUTY ONLY) (Not VALID where firearms are prohibited.)
8. Special Police Officer: Between residence and (or) Armed on, name of agency job assignment or property only, and while actively engaged as a Special Police Officer for same (ON DUTY, IN MD ONLY)(Not VALID where firearms are prohibited.)
9. Bail Bondsman: Between residence and while acting as an employee or agent of a property bail bondsman or licensed bail bondsman (ON DUTY IN MD ONLY) (Not VALID where firearms are prohibited.)
10. Correctional Officer: Off Duty hours while employed as a Correctional Officer (MD ONLY)(NOT VALID for any other employment purposes)(Not VALID where firearms are prohibited.)
11. Private Security Officer: Between residence and (or) Armed on, name of agency job assignment or property Only, and while actively engaged as a title requested by company for same (ON DUTY IN MD ONLY)(Not VALID where firearms are prohibited.)

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H. Required Fees

1. Original handgun permit: \$75.00
2. Renewal and/or subsequent handgun permit: \$50.00
3. Modified and/or duplicate handgun permit: \$10.00
4. In accordance with Public Safety Article, Title 5-304, the Secretary may not charge an application fee to a State, county, or municipal public safety employee who is required to carry, wear, or transport a handgun as a condition of governmental employment; or a retired law enforcement officer of the State or county or municipal corporation of the State.

I. Required Documents

Each handgun permit category identified below will require specific documentation to sufficiently authenticate and support the applicant's good and substantial reason for a handgun permit.

1. **Personal Protection:** Copies of documented evidence that the applicant's life is in imminent danger or is currently being targeted by individuals wishing to do the applicant harm. Documents may include, but may not be limited to, police reports, sworn affidavit from third party individuals with first-hand knowledge of the threats, or Orders of Protection. Temporary Protective/Peace Orders are not, in of itself, sufficient documentation.
2. **Law Enforcement Officer:** Whether retired or active, the applicant is requested to submit a copy of their identification card/retirement credentials and a letter from their department stating they retired or are employed in good standing and that there are no open/unresolved internal investigations.
3. **Business Owner/Employee:** A copy of verifiable documentation, certificates, or licenses recognizing a legal business entity. An employee of the business must provide a letter from the business owner verifying that it is a requirement of the employee to carry a handgun in the performance of their responsibilities for that business. Where a license and certification are not required, the Maryland State Police Administrative Investigation Unit may verify and affirm legal business entities.
4. **Security Guard:** All armed security guards must provide the following: (1) A certified firearm score sheet (MSP Form 29-14) with a minimum 70% passing score having qualified within one year from the date of submitting the application. (2) A letter from the licensed security guard agency verifying employment and the purpose for which the employee is required to be armed. (3) Ownership of the firearm to be carried in the performance of duties. (4) The location of where the firearm will be stored during off-duty hours.
5. **Private Detective:** All private detectives must provide the following: (1) A certified firearm score sheet (MSP Form 29-14) with a minimum 70% passing score having qualified within one year from the date of submitting the application. (2) A letter from the licensed private detective agency verifying employment and the purpose for which the employee is required to be armed. (3) Ownership of the firearm to be carried in the performance of duties. (4) The location of where the firearm will be stored during off-duty hours.
6. **Armored Car Driver:** All armored car drivers must provide the following: (1) A certified firearm score sheet (MSP Form 29-14) with a minimum 70% passing score having qualified within one year from the date of submitting the application. (2) A letter from the licensed security services agency verifying employment and the purpose for which the employee is required to

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- be armed. (3) Ownership of the firearm to be carried in the performance of duties. (4) The location of where the firearm will be stored during off-duty hours.
7. Special Police Officer: All special police officers must provide the following: (1) A certified firearm score sheet (MSP Form 29-14) with a minimum 70% passing score having qualified within one year from the date of submitting the application. (2) A letter from the employer verifying employment and the purpose for which the employee is required to be armed. (3) Ownership of the firearm to be carried in the performance of duties. (4) The location of where the firearm will be stored during off-duty hours.
 8. Bail Bondsmen: All bail bondsmen must submit the following: (1) A letter from a licensed agency verifying employment and describing the employee's job functions. (2) Ownership of the weapon to be carried and the agency's request for the employee to be armed. (3) Owners of a bail bondsman company are required to submit a copy of their Maryland Insurance Commission certificate.
 9. Correctional Officer: All correctional officers will be required to submit the following: (1) A copy of their ID card/employment credentials. (2) A letter from their department stating they retired or are employed in good standing, and there are no open/unresolved internal investigations. (3) Incident reports documenting threats or threats verified by the employer.
 10. Private Security Officer: All private security officers must submit the following: (1) A letter from the company verifying employment containing a request by the company for the employee to be armed. (2) Ownership of the weapon to be carried.

Approved:

Captain Dalaine M. Brady
Commander 08/24/2015