Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 09 HANDGUN PERMIT REVIEW BOARD

Chapter 01 General Regulations

Authority: Correctional Services Article, §2-109; Public Safety Article, §§5-301, 5-302, and 5-312; Annotated Code of Maryland
.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Applicant.

(a) "Applicant" means an individual who has submitted an application to the Secretary, or a designee, to obtain a handgun permit, whose application for a handgun permit was:

(i) Disapproved; or

(ii) Issued with restrictions.

(b) "Applicant" includes an individual who has been issued a handgun permit and subsequent to issue, the Secretary:

(i) Revoked the individual's handgun permit; or

(ii) Applied new or additional restrictions to the individual's handgun permit.

(2) "Board" means the Handgun Permit Review Board.

(3) "Request for review" means an applicant's request to the Board to consider the circumstances related to the individual's handgun permit that the Secretary, or a designee:

(a) Disapproved;

(b) Issued with restrictions; or

(c) Revoked.

(4) "Secretary" means the Secretary of State Police.
.02 Board Membership.

A. The Board consists of five members appointed by the Governor, with the advice and consent of the Senate, for a term of 3 years according to requirements under Public Safety Article, §5-302, Annotated Code of Maryland.

B. The Governor shall designate a chairman from the five members of the Board.

C. The chairman shall designate a vice-chairman from the remaining members of the Board.
.03 Meetings of the Board.

A. The Board shall meet with sufficient frequency to ensure that the Board decides on a request for review and notifies the applicant of the Board's decision within 120 days of the Board's receipt of the request for review.

B. The Board shall meet at a location accessible to the public.

C. A majority of the Board shall designate the location, time, and date of the meeting.

D. The chairman shall notify Board members of the date and time of a meeting at least 10 days before the date of a scheduled meeting.

E. A quorum of at least three Board members shall be present to decide on a request for review.
.04 Request for Review.

A. An applicant shall make a request for review to the Board:

(1) In writing; and

(2) Within 10 days of the date the applicant received the Secretary's decision on the applicant's handgun permit.

B. Within 10 days of receipt of a request for review, the Chairman, or a designee, shall:

(1) Open a file on the request for review; and

(2) Notify the applicant, in writing, that the Board:

(a) Has received the request for review; and

(b) Shall decide on the request for review within 120 days of the Board's receipt of the request for review.

C. Processing a Request for Review.

(1) Within 30 days of the Board's receipt of the request for review, the Board may request, in writing, that the Secretary, or a designee, provide the Board with information concerning the action taken on the applicant's handgun permit.

(2) Within 90 days of the Board's receipt of a request for review, the Board shall act upon the request by:

(a) Reviewing at a Board meeting, information obtained under §C of this regulation and other information the Board acquires from the applicant or other sources; or

(b) Conducting a hearing.

(3) If the Board elects to conduct a hearing, the Board shall notify the applicant, in writing, at least 10 days before the date of the hearing.

(4) If the applicant fails to appear for a scheduled hearing, the Board may:

(a) Reschedule the hearing once; and

(b) If the applicant fails to appear for the rescheduled hearing, decide on the request for review without the applicant present.

(5) The Board's decision on an applicant's request for review shall be based on requirements under:

(a) Public Safety Article, §5-312, Annotated Code of Maryland; and

(b) COMAR Title 29.

(6) After processing a request for review, the Board may:

(a) Sustain the decision of the Secretary;

(b) Reverse the decision of the Secretary; or

(c) Modify the decision of the Secretary.

(7) A decision of the Board is based on a majority vote of Board members present at a meeting or hearing.

(8) If the Board is unable to reach a decision by majority vote, the decision of the Secretary stands.
.05 Request for Review Hearings.

A. The Board shall conduct a request for review hearing according to State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

B. The Board shall permit the applicant, or the applicant's attorney, if present:

(1) To present testimony or cross-examine witnesses;

(2) A reasonable time to:

(a) Present evidence;

(b) Offer rebuttal evidence; or

(c) File briefs or other statements or depositions containing relevant information.

C. The Board may receive as evidence a statement, document, information, or matter that in the Board's discretion is relevant and of such a nature as to afford a fair hearing.

D. Representation by Counsel.

(1) An applicant may be represented before the Board by an attorney licensed in the State.

(2) An applicant's attorney shall file with the Board, before the attorney's first appearance, a notice of:

(a) Appearance; and

(b) When appropriate, a notice of substitution.

(3) If an applicant designates an attorney and the attorney has filed with the Board a notice of appearance, that notice remains in effect until:

(a) The applicant files with the Board a written revocation of the attorney's authority;

(b) The attorney files with the Board a written statement of withdrawal;

(c) The attorney states on the record at a Board hearing that the attorney is withdrawing from the case; or

(d) The Board receives notice of the attorney's death or disqualification.

(4) As long as a notice of appearance filed under this regulation is in effect, the Board shall send a copy of a written communication or notice to the applicant's attorney.

E. Hearing Record.

(1) The Board shall record a request for review hearing, but is not required to transcribe the recording unless requested.

(2) An individual requesting a transcript shall pay, in advance, for the cost to transcribe a hearing record.
.06 Written Decision of the Board.

A. After the Board decides on a request for review, the Board shall issue a written decision that includes:

   (1) Findings of fact; and

   (2) Conclusions of law.

B. The Board shall provide a copy of the written decision to:

   (1) The Secretary, or a designee; and

   (2) The applicant or, if represented by an attorney, the applicant's attorney.
Administrative History

Effective date; May 14, 1975 (2:10 Md. R. 760)

Chapter revised effective December 30, 1996 (23:26 Md. R. 1860)

Chapter revised effective September 8, 2008 (35:18 Md. R. 1600)