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APPENDIX A
UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-2377

BRIAN KIRK MALPASSO; MARYLAND STATE
RIFLE AND PISTOL ASSOCIATION, INC.,

Plaintiffs - Appellants,

v.

WILLIAM M. PALLOZZI, in his official capacity as
Maryland Secretary of State Police,

Defendant - Appellee.

GIFFORDS LAW CENTER TO PREVENT GUN
VIOLENCE; BRADY CENTER TO PREVENT GUN
VIOLENCE; MARYLAND CHIEFS OF POLICE
ASSOCIATION; EVERYTOWN FOR GUN SAFETY,

Amici Supporting Appellee.

Appeal from the United States District Court for the
District of Maryland, at Baltimore. Ellen L.
Hollander, District Judge. (1:18-cv-01064-ELH)

Submitted: April 25, 2019 Decided: April 29, 2019

Before FLOYD and QUATTLEBAUM, Circuit
Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David H. Thompson, Peter A. Patterson, Nicole J. Moss, John D. Ohlendorf, COOPER & KIRK, PLLC, Washington, D.C., for Appellants. Brian E. Frosh, Attorney General, Mark H. Bowen, Assistant Attorney General, OFFICE OF THE ATTORNEY GENERAL OF MARYLAND, Pikesville, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian Kirk Malpasso and Maryland State Rifle and Pistol Association, Inc., appeal the district court's dismissal of their complaint alleging that § 5-306(a)(5)(ii) of the Maryland Code of Public Safety is an unconstitutional burden on the Second Amendment's right to keep and bear arms. Malpasso and the Association seek a declaratory judgment declaring that § 5-306(a)(6)(ii) is unconstitutional and an injunction precluding future enforcement of the statute and requiring the State to issue handgun carry licenses to Malpasso and the Association's members. The district court granted the State's motion to dismiss the complaint after Malpasso and the Association

conceded that our ruling in *Woollard v. Gallagher*, 712 F.3d 865 (4th Cir. 2013), controlled.*

On appeal, Malpasso and the Association acknowledge that this panel cannot overturn *Woollard*. “A decision of a panel of this court becomes the law of the circuit and is binding on other panels unless overruled by a subsequent en banc opinion of this court or a superseding contrary decision of the Supreme Court.” *United States v. Collins*, 415 F.3d 304, 311 (4th Cir. 2005) (internal quotation marks omitted). Therefore, we affirm the district court’s dismissal of the complaint. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* In *Woollard*, we held that assuming, without deciding, that § 5-306(a)(6)(ii)’s “good-and-substantial-reason” requirement implicated Second Amendment protections, the provision did not unconstitutionally infringe upon the rights granted by the Second Amendment, as applied to the statute’s challenger. 712 F.3d at 882.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Civil Action No. ELH-18-1064

BRIAN KIRK MALPASSO, *et al*,
Plaintiffs,

v.

WILLIAM M. PALLOZZI
Defendant.

MEMORANDUM¹

Brian Kirk Malpasso and the Maryland State Rifle and Pistol Association, Inc., plaintiffs, filed a Complaint for Declaratory and Injunctive Relief against William M. Pallozzi, in his official capacity as the Secretary of Maryland's Department of State Police. ECF 1. Exhibits are appended to the suit. Plaintiffs allege a violation of their rights under the Second Amendment to the Constitution and seek, *inter alia*, "a declaration that Maryland's limitation of the right to carry handguns to those who can satisfy licensing officials that they have a 'good and substantial reason' to exercise that right is

¹ This case was originally assigned to Judge Marvin Garbis. It was reassigned to me on September 5, 2018, due to Judge Garbis's retirement.

unconstitutional under the Second and Fourteenth Amendments to the United States Constitution.” *Id.* at 1. Plaintiffs also seek an injunction that would compel the defendant to cease enforcement of the Maryland law that purportedly limits plaintiffs’ constitutional right to carry handguns outside the home. *Id.* at 1-2. The Complaint contains one Count, asserting deprivation of constitutional rights, pursuant to 42 U.S.C. § 1983. *Id.* at 8.

Defendant has moved to dismiss the suit under Fed. R. Civ. P. 12(b)(6) (ECF 12), supported by a memorandum (ECF 12-1) (collectively, the “Motion”). Plaintiffs oppose the Motion. ECF 20.

The Court has also received amicus curiae briefs from the following organizations: Everytown For Gun Safety (ECF 16), with an Appendix (ECF 17); Giffords Law Center To Prevent Gun Violence (ECF 19); and the National Rifle Association of America, Inc. (ECF 21-1), with an Appendix (ECF 21-2).

The issues have been fully briefed. No hearing is necessary. *See* Local Rule 105.6.

Defendants assert that plaintiffs fail to state a claim upon which relief can be granted because there is a controlling decision of the United States Court of Appeals for the Fourth Circuit, holding that Maryland’s application of the “good and substantial reason” requirement does not violate the Second Amendment. ECF 12-1 at 1, 4-5 (citing *Woollard v. Gallagher*, 712 F.3d 865 (4th Cir. 2013)).

Plaintiffs agree that *Woollard* is controlling. In their Complaint (ECF 1, ¶ 6), they assert:

APPENDIX C

**CONSTITUTIONAL PROVISIONS, STATUTES,
AND REGULATIONS INVOLVED**

U.S. Const. amend. II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

U.S. Const. amend. XIV, § 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Md. Code Ann., Crim. Law § 4-203

Wearing, carrying, or transporting handgun

Prohibited

(a)(1) Except as provided in subsection (b) of this section, a person may not:

(i) wear, carry, or transport a handgun, whether concealed or open, on or about the person;

(ii) wear, carry, or knowingly transport a handgun, whether concealed or open, in a vehicle traveling on a road or parking lot

generally used by the public, highway, waterway, or airway of the State;

(iii) violate item (i) or (ii) of this paragraph while on public school property in the State;

(iv) violate item (i) or (ii) of this paragraph with the deliberate purpose of injuring or killing another person; or

(v) violate item (i) or (ii) of this paragraph with a handgun loaded with ammunition.

(2) There is a rebuttable presumption that a person who transports a handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

Exceptions

(b) This section does not prohibit:

(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:

(i) a law enforcement official of the United States, the State, or a county or city of the State;

(ii) a member of the armed forces of the United States or of the National Guard on duty or traveling to or from duty;

(iii) a law enforcement official of another state or subdivision of another state temporarily in this State on official business;

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- (iv) a correctional officer or warden of a correctional facility in the State;
 - (v) a sheriff or full-time assistant or deputy sheriff of the State; or
 - (vi) a temporary or part-time sheriff's deputy;
- (2) the wearing, carrying, or transporting of a handgun, in compliance with any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3 of the Public Safety Article;
- (3) the carrying of a handgun on the person or in a vehicle while the person is transporting the handgun to or from the place of legal purchase or sale, or to or from a bona fide repair shop, or between bona fide residences of the person, or between the bona fide residence and place of business of the person, if the business is operated and owned substantially by the person if each handgun is unloaded and carried in an enclosed case or an enclosed holster;
- (4) the wearing, carrying, or transporting by a person of a handgun used in connection with an organized military activity, a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources-sponsored firearms and hunter safety class, trapping, or a dog obedience training class or show, while the

person is engaged in, on the way to, or returning from that activity if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(5) the moving by a bona fide gun collector of part or all of the collector's gun collection from place to place for public or private exhibition if each handgun is unloaded and carried in an enclosed case or an enclosed holster;

(6) the wearing, carrying, or transporting of a handgun by a person on real estate that the person owns or leases or where the person resides or within the confines of a business establishment that the person owns or leases;

(7) the wearing, carrying, or transporting of a handgun by a supervisory employee:

(i) in the course of employment;

(ii) within the confines of the business establishment in which the supervisory employee is employed; and

(iii) when so authorized by the owner or manager of the business establishment;

(8) the carrying or transporting of a signal pistol or other visual distress signal approved by the United States Coast Guard in a vessel on the waterways of the State or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed case, in a vehicle; or

(9) the wearing, carrying, or transporting of a handgun by a person who is carrying a court order requiring the surrender of the handgun, if:

- (i) the handgun is unloaded;
- (ii) the person has notified the law enforcement unit, barracks, or station that the handgun is being transported in accordance with the court order; and
- (iii) the person transports the handgun directly to the law enforcement unit, barracks, or station.

Penalty

(c)(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to the penalties provided in this subsection.

(2) If the person has not previously been convicted under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

- (i) except as provided in item (ii) of this paragraph, the person is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine of not less than \$250 and not exceeding \$2,500 or both; or
- (ii) if the person violates subsection (a)(1)(iii) of this section, the person shall be sentenced to imprisonment for not less than 90 days.

(3)(i) If the person has previously been convicted once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 1 year and not exceeding 10 years; or

2. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of

the State's intention to seek the mandatory minimum sentence.

(4)(i) If the person has previously been convicted more than once under this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any combination of these crimes:

1. except as provided in item 2 of this subparagraph, the person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or

2. A. if the person violates subsection (a)(1)(iii) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years; or

B. if the person violates subsection (a)(1)(iv) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.

(ii) 1. Except as provided in subparagraph 2 of this subparagraph, the court may not impose less than the applicable minimum sentence provided under subparagraph (i) of this paragraph.

2. If the person violates subsection (a)(1)(v) of this section, the court may not suspend any part of or impose less than the applicable mandatory minimum sentence provided under subparagraph (i) of this paragraph.

(iii) Except as provided in § 4-305 of the Correctional Services Article, if the person violates subsection (a)(1)(v) of this section, the person is not eligible for parole during the mandatory minimum sentence.

(iv) A mandatory minimum sentence under subparagraph (ii)2 of this paragraph may not be imposed unless the State's Attorney notifies the defendant in writing at least 30 days before trial of the State's intention to seek the mandatory minimum sentence.

**Md. Code Ann., Pub. Safety § 5-301
Definitions**

In general

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

Board

(b) “Board” means the Handgun Permit Review Board.

Handgun

(c) “Handgun” has the meaning stated in § 4-201 of the Criminal Law Article.

Permit

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

Qualified handgun instructor

(e) “Qualified handgun instructor” has the meaning stated in § 5-101 of this title.

Secretary

(f) “Secretary” means the Secretary of State Police or the Secretary's designee.

**Md. Code Ann., Pub. Safety
§ 5-303 Permit required**

A person shall have a permit issued under this subtitle before the person carries, wears, or transports a handgun.

**Md. Code Ann., Pub. Safety § 5-305
Criminal history records check**

“Central Repository” defined

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

Application required

(b) Except as provided in subsection (g) of this section, the Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a permit.

Contents of application

(c) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

- (1) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

Information forwarded to applicant and State Police

(d) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history record information.

Restrictions on information

(e) Information obtained from the Central Repository under this section:

(1) is confidential and may not be disseminated; and

(2) shall be used only for the licensing purpose authorized by this section.

Subject may contest contents

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

Employee of armored car company

(g) For an employee of an armored car company who is an applicant for a permit, the Secretary may accept a criminal background investigation performed on behalf of the armored car company in place of the

criminal history records check required by this section if:

- (1) the criminal background investigation meets the minimum requirements established by the Department of State Police; and
- (2) the Secretary performs a cursory check to verify the facts listed in the criminal background investigation.

**Md. Code Ann., Pub. Safety § 5-306
Qualifications for permit**

In general

(a) Subject to subsection (c) 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;

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

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

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

(ii) classroom instruction on:

1. State firearm law;

2. home firearm safety; and

3. handgun mechanisms and operation; and

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

(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

(ii) has good and substantial reason to wear, carry, or transport a handgun, such

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as a finding that the permit is necessary as a reasonable precaution against apprehended danger.

Exemption from completing certified firearms training course

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

- (1) is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- (2) is a member, retired member, or honorably discharged member of the armed forces of the United States or the National Guard;
- (3) is a qualified handgun instructor; or
- (4) has completed a firearms training course approved by the Secretary.

Applicants under the age of 30

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

- (1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or
- (2) adjudicated delinquent by a juvenile court for:

- (i) an act that would be a crime of violence if committed by an adult;
- (ii) an act that would be a felony in this State if committed by an adult; or
- (iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.

Handgun qualification licenses

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

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

Md. Code Ann., Pub. Safety § 5-307
Scope of permit

In general

(a) A permit is valid for each handgun legally in the possession of the person to whom the permit is issued.

Limitations

(b) The Secretary may limit the geographic area, circumstances, or times of the day, week, month, or year in which a permit is effective.

Md. Code Ann., Pub. Safety § 5-308
Possession of permit required

A person to whom a permit is issued or renewed shall carry the permit in the person's possession whenever the person carries, wears, or transports a handgun.

Md. Code Ann., Pub. Safety § 5-309
Term and renewal of permit

Term of permit

(a) Except as provided in subsection (d) of this section, a permit expires on the last day of the holder's birth month following 2 years after the date the permit is issued.

Renewal of permit

(b) Subject to subsection (c) of this section, a permit may be renewed for successive periods of 3 years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee stated in this subtitle.

Fingerprint requirement

(c) A person who applies for a renewal of a permit is not required to be fingerprinted unless the Secretary requires a set of the person's fingerprints to resolve a question of the person's identity.

Alternative expiration date

(d) The Secretary may establish an alternative expiration date for a permit to coincide with the expiration of a license, certification, or commission for:

- (1) a private detective under Title 13 of the Business Occupations and Professions Article;
 - (2) a security guard under Title 19 of the Business Occupations and Professions Article;
- or
- (3) a special police officer under § 3-306 of this article.

Md. Code Ann., Pub. Safety § 5-310
Revocations

In general

- (a) The Secretary may revoke a permit on a finding that the holder:
 - (1) does not meet the qualifications described in § 5-306 of this subtitle; or
 - (2) violated § 5-308 of this subtitle.

Return of permit

- (b) A holder of a permit that is revoked by the Secretary shall return the permit to the Secretary within 10 days after receipt of written notice of the revocation.

Md. Code Ann., Pub. Safety § 5-311
Informal review of Secretary's action

Request for informal review

- (a) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Secretary to conduct an informal review by filing a written request within 10 days after receipt of written notice of the Secretary's initial action.

Personal interview

(b) An informal review:

- (1) may include a personal interview of the person who requested the informal review; and
- (2) is not subject to Title 10, Subtitle 2 of the State Government Article.

Action by Secretary

(c) In an informal review, the Secretary shall sustain, reverse, or modify the initial action taken 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.

Request for review by Board

(d) A person need not file a request for an informal review under this section before requesting review under § 5-312 of this subtitle.

Md. Code Ann., Pub. Safety § 5-312
Action by Board

Request for review authorized

(a)(1) A person who is denied a permit or renewal of a permit or whose permit is revoked or limited may request the Board to review the decision of the Secretary by filing a written request with the Board within 10 days after receipt of written notice of the Secretary's final action.

(2) A person whose application for a permit or renewal of a permit is not acted on by the Secretary within 90 days after submitting the application to the Secretary may request a hearing

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before the Board by filing a written request with the Board.

Form of review

(b) Within 90 days after receiving a request to review a decision of the Secretary, the Board shall:

- (1) review the record developed by the Secretary; and
- (2) conduct a hearing.

Evidence

(c) The Board may receive and consider additional evidence submitted by a party in conducting a review of the decision of the Secretary.

Decision by Board

(d)(1) Based on the Board's consideration of the record and any additional evidence, the Board shall sustain, reverse, or modify the decision of the Secretary.

(2) Within 60 days after the last hearing in the matter conducted by the Board, the Board shall submit in writing to the applicant, the holder of the permit, and the Secretary the reasons for the decision of the Board.

Appeal of decision

(e)(1) The applicant, the holder of the permit, or the Secretary may appeal the decision of the Board to the Office of Administrative Hearings within 30 days after the issuance of the Board's reasons under subsection (d)(2) of this section.

(2) Within 60 days after the receipt of a request from the applicant, the holder of the permit, or the Secretary, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the appeal, at which witness testimony and other evidence may be provided.

(3) Within 90 days after the conclusion of the last hearing on the matter, the Office of Administrative Hearings shall issue a finding of facts and a decision.

(4) A party that is aggrieved by the decision of the Office of Administrative Hearings may appeal the decision to the circuit court.

Administrative procedures

(f)(1) Subject to subsections (d) and (e) of this section, any hearing and any subsequent proceedings of judicial review shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article.

(2) Notwithstanding paragraph (1) of this subsection, a court may not order the issuance or renewal of a permit or alter a limitation on a permit pending a final determination of the proceeding.

Annual report

(g) On or before December 1 each year, the Board shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly:

- (1) the number of appeals of decisions by the Secretary that have been filed with the Board within the previous year;
- (2) the number of decisions by the Secretary that have been sustained, modified, or reversed by the Board within the previous year;
- (3) the number of appeals that are pending; and
- (4) the number of appeals that have been withdrawn within the previous year.

Application of Open Meeting Law

(h) The Board is subject to Title 3 (Open Meetings Act) of the General Provisions Article.

**Md. Code Ann., Pub. Safety § 5-313
Failure to return revoked permit**

Prohibited

(a) A person may not fail to return a revoked permit.

Penalty

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine of not less than \$100 or exceeding \$1,000 or both.

**Md. Code Regs. § 29.03.02.02
Generally**

A. Pursuant to Public Safety Article, §5-306(a), Annotated Code of Maryland, the Secretary shall issue handgun permits under specified conditions.

- B. Unless otherwise provided by law, a person shall have a valid permit in their possession to carry, wear, or transport a handgun.
- C. A valid permit must satisfy all the requirements set forth in this chapter, including any limitations or restrictions imposed by the Secretary.
- D. A permit holder may not wear, carry, or transport a handgun while under the influence of alcohol or drugs.
- E. Except as provided in §F of this regulation, all valid permits must be issued by the Secretary.
- F. An armored car driver's permit from another state is valid if the driver is on duty in Maryland.

Md. Code Regs. § 29.03.02.03
Eligibility

- A. **Qualifications.** In accordance with Public Safety Article, §5-306, Annotated Code of Maryland, a person is eligible for issuance of a handgun permit only if the person:
 - (1) Is an adult;
 - (2) Is not prohibited from possessing a handgun under COMAR 29.03.01.03 or otherwise prohibited from purchasing or possessing a handgun under federal or State law;
 - (3) Has not been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed, unless the person has been pardoned

or the United States Attorney General has granted relief;

(4) Has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

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

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

(7) Has a good and substantial reason to wear, carry, or transport a handgun; and

(8) If younger than 30 years old, has not been committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court.

B. Investigation Criteria. The following areas will be a part of the investigation of every applicant and will be considered by the Secretary in determining whether a permit will be issued:

(1) Age of the applicant;

(2) Occupation, profession, or employment of the applicant;

(3) Verification of the applicant's qualifications;

- (4) Verification of the information supplied by the applicant in the application;
- (5) Information received from personal references and other persons interviewed;
- (6) Information received from business or employment references as may be necessary in the discretion of the investigator;
- (7) Criminal record of applicant, including any juvenile record for an applicant younger than 30 years old;
- (8) Medical history of applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
- (9) Psychiatric or psychological background of the applicant as it may pertain to the applicant's fitness to carry, wear, or transport a handgun;
- (10) The applicant's propensity for violence or instability which could reasonably render the applicant's wearing, carrying, or transporting of a handgun a danger to the applicant or to others;
- (11) The applicant's use of intoxicating beverages and drugs;
- (12) The reasons given by the applicant for carrying, wearing, or transporting a handgun, and whether those reasons are good and substantial; and

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(13) Whether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.

APPENDIX D
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Civil Action No. 18-1064

BRIAN KIRK MALPASSO
39034 Cooney Neck Road
Mechanicsville, St. Mary's County,
MD 20659, *and*

MARYLAND STATE RIFLE AND PISTOL
ASSOCIATION, INC.,
307 W. Pennsylvania Avenue
Towson, Baltimore County, MD 21204

Plaintiffs,

v.

WILLIAM M. PALLOZZI, in his official capacity as
Maryland Secretary of State Police,
Department of State Police
1201 Reisterstown Road
Pikesville, Baltimore County, MD 21208,

Defendant.

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

Plaintiffs Brian Kirk Malpasso and the Maryland State Rifle and Pistol Association, Inc. (collectively "Plaintiffs"), by and through the undersigned attorneys, file this Complaint against the

above-captioned Defendant, in his official capacity as the Secretary of Maryland's Department of State Police. Plaintiffs seek declaratory and injunctive relief: a declaration that Maryland's limitation of the right to carry handguns to those who can satisfy licensing officials that they have a "good and substantial reason" to exercise that right is unconstitutional under the Second and Fourteenth Amendments to the United States Constitution, and an injunction compelling Defendant to refrain from enforcing that invalid limit and to issue handgun carry licenses to Plaintiff Malpasso and members of Plaintiff Maryland State Rifle and Pistol Association or to otherwise allow such persons to exercise their right to carry handguns outside the home. In support of their Complaint against Defendant, Plaintiffs hereby allege as follows:

INTRODUCTION

1. The Second Amendment to the United States Constitution guarantees "the right of the people to keep and bear Arms." U.S. CONST. amend. II. When the People, by enacting that amendment, enshrined in their fundamental charter the right to "carry weapons in case of confrontation" for the "core lawful purpose of self-defense," *District of Columbia v. Heller*, 554 U.S. 570, 592, 630 (2008), they did not mean to leave the freedom to exercise that right at the mercy of the very government officials whose hands they sought to bind. No, "[t]he very enumeration of the right takes out of the hands of government . . . the power to decide on a case-by-case basis whether the right is *really worth* insisting upon." *Id.* at 634.

2. In defiance of that constitutional guarantee, Maryland has seized precisely the power forbidden it

by the Second Amendment: the power to decide, on a case-by-case basis, whether an applicant for a license to “carry weapons in case of confrontation,” *id.* at 592, has, in the State’s estimation, shown a sufficiently “good and substantial reason” that a license should issue, MD. CODE PUB. SAFETY § 5-306(a)(6)(ii).

3. Worse still, Maryland has made clear that a general desire to carry a handgun for the purpose of self-defense—“the *central component*” of the Second Amendment, *Heller*, 554 U.S. at 599 (emphasis added)—is not a sufficiently good reason to exercise the right. Instead, according to Maryland, an ordinary citizen must provide *documented evidence of concrete threats* or recent assaults to obtain a permit from the state to carry a handgun in public. That restriction is akin to a state law concluding that the general desire to advocate for lawful political change is not a sufficiently “good and substantial reason” to exercise the right to free speech, and it cuts to the very core of the Second Amendment, no less than such a restriction would gut the First.

4. Indeed, the practical effect of Maryland’s “good and substantial reason” requirement is to make it wholly illegal for *typical* law-abiding citizens to carry handguns in public—for by definition, these ordinary citizens cannot make the *atypical* showing that they face a specific, documented threat to their safety.

5. Plaintiff Malpasso is an ordinary, law-abiding citizen of Maryland who wishes to carry a handgun outside his home for the purpose of self-defense. He has passed all required background checks, completed all required firearm training courses, and met every other qualification imposed by Maryland on the

eligibility for a permit to carry handguns in public—except that like the vast majority of ordinary, law-abiding Maryland residents, he cannot document a specific clear and present threat to his safety. Accordingly, Defendant determined that Mr. Malpasso has not shown a “good and substantial reason” why he should be allowed to exercise his Second Amendment rights, and he denied his permit application. That result simply cannot be squared with the rights guaranteed by the Second Amendment.

6. Plaintiffs acknowledge that the result they seek is contrary to *Woollard v. Gallagher*, 712 F.3d 865 (4th Cir. 2013), but, for the reasons explained in *Wrenn v. District of Columbia*, 864 F.3d 650 (D.C. Cir. 2017), that case was wrongly decided. They therefore institute this litigation to vindicate their Second Amendment rights and to seek to have *Woollard* overruled.

JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction over Plaintiffs’ claim under 28 U.S.C. §§ 1331 and 1343.

8. Plaintiffs seek remedies under 28 U.S.C. §§ 1651, 2201, and 2202 and 42 U.S.C. §§ 1983 and 1988.

9. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) & (b)(2).

PARTIES

10. Plaintiff Brian Kirk Malpasso is a citizen of the United States and a resident and citizen of the State of Maryland. He resides at 39034 Cooney Neck Road, Mechanicsville, MD 20659.

11. Plaintiff Maryland State Rifle and Pistol Association, Inc. (“MSRPA”) is a group organized to defend the right of Maryland residents to keep and bear arms. The Maryland restrictions on the public carrying of handguns at issue in this case are thus a direct affront to MSRPA’s central mission. MSRPA has thousands of members who reside in Maryland. Its official address is 307 W. Pennsylvania Avenue, Towson, MD 21204. Plaintiff Malpasso is a member of MSRPA.

12. Defendant William M. Pallozzi is the Maryland Secretary of State Police. As Secretary, he exercises, delegates, or supervises all the powers and duties of the Maryland Department of State Police. Under MD. CODE PUB. SAFETY § 5-301 *et seq.*, Defendant Pallozzi is responsible for executing, or delegating and supervising the execution of, Maryland’s laws governing the carrying of handguns in public. His official address is Department of State Police, 1201 Reisterstown Road, Pikesville, MD 21208. He is being sued in his official capacity.

FACTUAL ALLEGATIONS

Maryland’s “Good and Substantial Reason” Requirement

13. Maryland law generally forbids any person to “wear, carry, or transport a handgun” in public, “whether concealed or open.” MD. CODE CRIM. LAW § 4-203(a)(1). First time offenders who violate this prohibition are subject to imprisonment for up to three years, a fine of up to \$2,500, or both. *Id.* § 4-203(c)(2)(i). Aggravated offenders may be sentenced to up to 10 years in prison. *Id.* § 4-203(c)(4)(i).

14. In addition to other minor exceptions for law enforcement officers, active-duty members of the U.S. Armed Forces, and the like, Maryland law allows an individual to carry a handgun in public if he first obtains “a permit to wear, carry, or transport the handgun” from the Maryland Secretary of State Police, Defendant Pallozzi. *Id.* § 4-203(b)(2); *see also* MD. CODE PUB. SAFETY § 5-303.

15. To be eligible for such a permit (a “Handgun Carry Permit”), an applicant must satisfy numerous criteria. For example, the applicant must be an adult, must not have been convicted of any felony or any misdemeanor involving controlled substances, and must not be an alcoholic or addict to any controlled substance. MD. CODE PUB. SAFETY § 5-306(a). An applicant must also pass a background check, *id.* § 5305, must satisfy the Secretary, after investigation, that the applicant “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,” *id.* § 5-306(a)(6)(i), and must have completed an extensive firearms safety training course, *id.* § 5-306(a)(5).

16. In addition to these rigorous screening and training requirements, the Secretary may issue a handgun carry permit only if he determines that the applicant “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.” *Id.* § 5-306(a)(6)(ii).

17. Defendant Pallozzi has issued regulations implementing his power and authority over handgun carry permits. *See* MD. CODE REGS. 29.03.01 *et seq.*

Those regulations provide that the investigation into an application for a handgun carry permit must determine “[t]he reasons given by the applicant for carrying, wearing, or transporting a handgun, and whether those reasons are good and substantial,” and “[w]hether the permit is necessary as a reasonable precaution for the applicant against apprehended danger.” *Id.* 29.03.02.03.B(12), (13).

18. Defendant Pallozzi has also issued an application form that applicants must use to apply for a Handgun Carry Permit. The instructions for that form state that an ordinary law-abiding citizen seeking to carry a handgun in public for “[p]ersonal [p]rotection” must provide “documented evidence of recent threats, robberies, and/or assaults, supported by official police reports or notarized statements from witnesses.” See Maryland Department of State Police, Licensing Division Application at 2 (attached as Exhibit 1). And Maryland state courts have decided—in opinions referenced and included in the Department of State Police’s webpage concerning Handgun Application Permits, <https://goo.gl/M1p5A1>—that living in a high-crime neighborhood or being subject to “vague threat[s]” are *not* sufficient “good and substantial reasons” to obtain a permit—since if they were, “[e]ach person *could decide for himself or herself* that he or she was in danger.” *Snowden v. Handgun Permit Review Bd.*, 413 A.2d 295, 298 (Md. Ct. Spec. App. 1980) (emphasis added); see also *Scherr v. Handgun Permit Review Bd.*, 880 A.2d 1137, 1148–49 (Md. Ct. Spec. App. 2005).

19. Accordingly, typical law-abiding citizens of Maryland—the vast majority of responsible citizens

who cannot provide “documented evidence” of specific, recent threats to their safety—effectively remain subject to a flat ban on carrying handguns outside the home.

**Defendant’s Refusal to Issue Plaintiffs
Handgun Carry Permits**

20. Plaintiff Malpasso is an adult citizen and resident of Maryland. He is not a law enforcement official or a member of the armed forces, and he does not fall within any of the other exceptions enumerated in MD. CODE CRIM. LAW § 4-203(b)(1) to Maryland’s ban on carrying handguns in public.

21. Plaintiff Malpasso does, however, possess all of the qualifications to obtain a Handgun Carry Permit that are enumerated in MD. CODE PUB. SAFETY §§ 5-306(a)(1)–(5). He is an adult, he has not been convicted of any felony, misdemeanor carrying a sentence of more than a year imprisonment, or crime involving controlled substances; he is not an alcoholic, addict, or habitual user of a controlled substance; he has successfully completed the firearms training course required by Section 5-306(a)(5); and he has passed the background check required by Section 5-305.

22. Plaintiff Malpasso does not have any concrete evidence of specific threats to his safety. He does, however, desire to carry a handgun in public for the purpose of self-defense. Mr. Malpasso lawfully owns several handguns which he keeps in his home to defend himself and his family, and he would carry a handgun for self-defense when he is in public, were it

not for Defendant's enforcement of Maryland's ban on the public carrying of handguns.

23. On or about January 7, 2018, Plaintiff Malpasso applied to Defendant Pallozzi for a permit to carry a handgun in public. Application of Brian Kirk Malpasso for a Handgun Permit (Jan. 7, 2018) (attached as Exhibit 2).

24. After investigation, Defendant Pallozzi denied Plaintiff Malpasso's application. Maryland State Police, Notification of Denial (Mar. 23, 2018) (attached as Exhibit 3). Defendant Pallozzi did not determine that Mr. Malpasso has ever "exhibited a propensity for violence or instability," MD. CODE PUB. SAFETY § 5-306(a)(6)(i); but he concluded that Mr. Malpasso has no "good and substantial reason" to carry a handgun in public, because he did not provide evidence of any concrete, present fear for his safety, such as harassment, stalking, or documented threats of violence. *See* Exhibit 3 at 1.

25. In light of Defendant's denial of his application, Plaintiff Malpasso continues to refrain from carrying a handgun outside the home for self-defense in Maryland. Plaintiff Malpasso would carry a handgun in public for self-defense in Maryland where it lawful for him to do so.

26. MSRPA has at least one member who has had an application for a Handgun Carry Permit denied, by Defendant Pallozzi, solely for failure to satisfy the "good and substantial reason" requirement. But for Defendant's continued enforcement of the Maryland laws and regulations set forth above, that member

would forthwith carry a handgun outside the home for self-defense.

COUNT ONE

**42 U.S.C. § 1983 Action for Deprivation
of Plaintiffs' Rights under U.S. CONST.
amends. II and XIV**

27. Plaintiffs incorporate by reference the allegations of the preceding paragraphs.

28. The Second Amendment's guarantee of "the right of the people to keep and bear Arms" secures to law-abiding, responsible, adult citizens the fundamental constitutional right to bear arms outside the home. U.S. CONST. amend. II.

29. This Second Amendment right to bear arms in public applies against the State of Maryland under U.S. CONST. amend. XIV.

30. This Second Amendment right to bear arms in public cannot be subject to a government official's discretionary determination of whether a law-abiding citizen has a "good and substantial reason" to exercise that right.

31. A government restriction that limits the right to bear arms in public to only those few, favored citizens who can demonstrate a specific, clear, and present threat to their safety effectively operates as a flat ban on the carrying of handguns by *typical* law-abiding citizens, who by definition cannot demonstrate this kind of *atypical* need to bear arms.

32. By infringing the Second Amendment right to bear arms in public in these ways, the Maryland laws

and regulations discussed in the foregoing allegations violate the Second Amendment, which applies to Defendant by operation of the Fourteenth Amendment, both facially and as applied to Plaintiff Malpasso and members of Plaintiff MSRPA, and they are therefore invalid.

PRAYER FOR RELIEF

33. WHEREFORE, Plaintiffs pray for an order and judgment:

a. Declaring that Maryland’s “good and substantial reason” requirement violates the Second and Fourteenth Amendments and is thus devoid of any legal force or effect;

b. Enjoining Defendant and his employees and agents from denying handgun carry permits to applicants on the basis of Maryland’s “good and substantial reason” requirement;

c. Enjoining Defendant and his employees and agents from enforcing the Maryland laws and regulations establishing and defining the “good and substantial reason” requirement, including MD. CODE PUB. SAFETY § 5-306(a)(6)(ii) and MD. CODE REGS. 29.03.02.03.B(12) & (13);

d. Ordering Defendant and his employees and agents to issue handgun carry permits to Plaintiff Malpasso and members of Plaintiff MSRPA;

e. Awarding Plaintiffs their reasonable costs, including attorneys’ fees, incurred in bringing this action, pursuant to 42 U.S.C. § 1988; and

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f. Granting such other and further relief as this Court deems just and proper.

Dated: April 12, 2018

Respectfully submitted,

s/ Nicole J. Moss
Nicole J. Moss, Bar No. 20222
Attorney of Record
David H. Thompson*
Peter A. Patterson*
John D. Ohlendorf*
COOPER & KIRK, PLLC
1523 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 220-9600
(202) 220-9601 (fax)
nmoss@cooperkirk.com

**Pro hac vice*
application forthcoming

Attorneys for Plaintiffs

APPENDIX E

**Exhibit 1 to Complaint for Declaratory and
Injunctive Relief, Maryland Department of
State Police Licensing Division Application**

**MARYLAND STATE POLICE
Licensing Division Application**

Date of Application:

Livescan PCN#

Please read this entire document before completing your application. Attached is the application and forms needed to honor your individual request(s) of the Licensing Division. Please complete the attached application in strict accordance with the instructions listed below. Applications not completed correctly will be returned. Submit all applications to the Licensing Division's address below. Please do not submit the instruction information pages with your application. Processing a properly completed application may take up to 90 business days to investigate.

The following application packet was designed for electronic completion. The form contains hidden features with sections and questions that appear or disappear based on the application types selected by the user. You must complete the application in its entirety before printing to sign and submit to the Licensing Division. This application will NOT be accepted in handwritten format. Follow all instructions and error messages as many fields have strict entry formats required of the user to accurately complete the application.

All applicants applying for **MULTIPLE** Licenses, Registrations, Certifications, Commissions, as an Agency Firm Member, as a Corporate Officer, and for Handgun Permits issued under the authority of the Licensing Division must complete the following application. Check all licenses that the applicant wishes to use this form to apply. Attach all additional documents as instructed in the application, including appropriate photographs.

Photographs must be 2" x 2" head and shoulder passport type photographs with a white background, full face, no hat, no dark glasses. Photographs must have been taken within the preceding 30 days. Computer generated photographs are acceptable.

NOTE: Forms are no longer required to be notarized.

IMPORTANT NOTE ON FINGERPRINT SUBMISSIONS

All original applications require FBI and CJIS fingerprint submissions. Renewal applications only require FBI fingerprint submissions except for Handgun Permit Renewal applications. Handgun Permit renewal applications **DO NOT** require **ANY** fingerprint submissions. Fingerprints must be submitted by way of an Electronic Fingerprint Processing Center authorized by the Maryland Department of Public Safety and Correctional Services. Applications associated with fingerprints submitted by way of an Electronic Fingerprint Processing Center will require payment to the Maryland State Police for the application only - **Do not include payment for**

fingerprints obtained and submitted through an electronic fingerprint processing center. The confirmation document provided by the approved Electronic Fingerprint Processing Center must be attached to the application to facilitate matching the fingerprint results to the application. Staple the confirmation in the upper left front corner of this application. Input the Livescan Receipt Number (typed or handwritten) in the field provided on the upper right corner of the application. Checks or money orders must be payable to the Maryland State Police and must be from an active account containing sufficient funds. Out of state residents applying for a Handgun Permit must submit electronic fingerprints from a Maryland State Police approved electronic fingerprint processing center. For Electronic Fingerprint Processing Center locations please visit <http://www.dpscs.state.md.us/publicservs/fingerprint.shtml>

In the case of multiple certifications, only one set of fingerprints is required; however, two photographs are required for each distinct certification as well as a separate check/money order for each certification. (Example: Handgun Permit and Private Detective Registrant application requires one set of fingerprints and four (4) photos. The fees total \$90.00 submitted via two checks; one for \$75.00 for the Handgun Permit, and one for \$15 for the Private Detective Registration fee). **Electronic Fingerprint Processing Centers charge, in addition to the cost to process the fingerprint submissions, a separate processing fee.**

Submit all applications to:

**Maryland State Police
Licensing Division
1111 Reisterstown Road
Pikesville, MD 21208
(410) 653-4500 (800) 525-5555**

Refer to the certifications and licenses on the following pages to ensure all required documents and fees accompany this application.

Handgun Permit -

Fees required by the Maryland State Police per statute:

Original - \$75.00 fee
Subsequent - \$50.00 fee
Renewal- \$ 50.00 fee
Retired Police - \$0 fee - Per statute

Additional documents required per Handgun Permit Category:

1. Owner or Employee of a Business:
 - (a) Submit photocopies of a Trader's License, Business License, or other legal document to prove the existence of the business AND
 - (b) Provide documentation of business activities that would justify carrying a handgun, such as the transport of financial instruments or other items of value.

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Examples of acceptable documentation would include (but are not limited to):

- 1) at least six (6) recent deposit slips documenting business revenue;
- 2) 3 months of recent bank statements documenting ATM or teller deposits or withdrawals for business revenue or expenses; AND/OR
- 3) at least ten (10) recent receipts or invoices for purchased supplies, delivered products, or non-electronic payments collected for services provided by the business.

Note: A letter from your banking institution is no longer accepted to meet this requirement.

- (c) Business employees (not owners) must also provide a letter from your employer on business stationery explicitly requesting that you be allowed to carry a handgun for business duties and explaining, in detail, your duties that would require that you carry a handgun.

Documentation may not be redacted, with the exception of personal identifiers of customers or other third parties. Additional documentation may be required to complete your investigation.

2. Professional Activities: Doctors, pharmacies, etc., must show evidence of legitimacy of

business activity and valid certification or license. Additional requirements may apply.

3. Correctional Officers: Must submit verification of employment and documentation of threats and/or assaults.
 4. Former Police Officer: If you have resigned or retired, you must show evidence of your tenure in law enforcement, such as a letter from your agency, and a letter from your agency indicating you left in good standing. Additional requirements may apply.
 5. Private Detective/Security Guard/Special Police & Railroad Police Commissions: All applicants who are employed as Private Detectives, Security Guards, Special Police, and Railroad Police, must submit a certification of qualification with a handgun from a Maryland State Police Certified Handgun Instructor on an MSP form. A copy of the form letter supporting "good and substantial reasons," ownership of weapon, and location where the weapon will be maintained is also required. (This form can be obtained from your employer).
 6. Personal Protection: There must be documented evidence of recent threats, robberies, and/or assaults, supported by official police reports or notarized statements from witnesses.
-

Private Detectives/Security Guard Agency License and Corporate Officer(s)-

Fees required by the Maryland State Police:

New Agency Private Investigator not incorporated
\$200.00

New Agency Security Guard not incorporated
\$200.00

New Agency Private Investigator incorporated
\$375.00

New Agency Security Guard incorporated \$375.00

New Security Guard and Private Detective agencies not incorporated \$375.00 (when submitted together)

New Security Guard and Private Detective agencies incorporated \$750.00 (when submitted together)

Corporate officers fee \$0 (Corporate officers need not apply until the company has been approved)

Note: Renewal Applications are mailed to the business by the Maryland State Police for completion.

Additional documents required:

1. A copy of the Articles of Incorporation and minutes of last meeting appointing officers of the corporation.
2. A copy of the receipt from the Maryland Department of Assessment and Taxation certifying that the corporation has registered

as a foreign corporation to do business in Maryland.

3. Foreign firms or corporations must submit a *Consent to Service* form and the Board Resolution naming the proper officer to execute it. *Not included in application packet, call for information.*

Note: If you employ five (5) or more people, (not including corporate officers), a copy of the General Liability Insurance Policy of \$1,000,000 (one million dollars) is required to be attached to this application.

Private Detective Registration-

Fees required by the Maryland State Police:

Private Detective Registrant - \$15.00 fee

Renewal - \$10.00

Security Guard Certification-

Fees required by the Maryland State Police:

Security Guard Certification - \$15.00 fee

Renewal - \$10.00

Security Systems Agency License and Agency Firm Member(s)-

Maryland Companies - original:

1. A copy of the Articles of Incorporation if applicable.

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2. General Liability Insurance Policy for at least \$50,000.
3. Copies of certifications of any specialized training related to Security Systems sales, service and installation.
4. Fees Required:

Individual Licensee - \$100.00

Agency Firm Members - \$0

Agency Renewal - \$100.00

Agency Firm Member Renewal - \$15.00

(Corporate officers need not apply until the company has been approved)

Out-of-State Companies - original: (the below applies to those states that have reciprocity)

1. A copy of the License and Identification Card issued by the reciprocal state.
2. General Liability Insurance Policy for at least \$50,000.
3. Copies of certifications of any specialized training related to Security Systems sales, service, and installation.
4. Fees Required:

Individual licensee \$100.00 (does not include background check fee)

(Corporate officers need not apply until the company has been approved)

Security Systems Registration-

(Monitor, Salesperson, Technician and persons having access to circumventing information)

Fees required by the Maryland State Police:

Security System Registration - \$15.00 fee

Renewal - \$15.00

Additional documents required:

Include copies of certifications of any specialized training related to Security Systems sales, service, and installation.

Out of State Registration for Security Systems-

As a Monitor, Salesperson, Technician and persons having access to circumventational information: (Must be reciprocal with Maryland with background check every two (2) years).

Attach a copy of the License / Registration issued by the reciprocal state.

Fees Required:

Out-of-State Registration - \$15.00 (does not include background check fee).

Special Police and Railroad Police Commissions-

Fees Required:

Special Police Commission - \$100.00 fee

Special Police Renewal - \$60.00

Railroad Police Commission - \$160.00 fee

Agencies of the State of Maryland - **Exempt from the application fee, however, required to submit payment to authorized electronic fingerprint processing center.**

Bulletproof Body Armor-

Maryland law mandates that all persons with a prior **conviction** for a crime of violence or a drug trafficking crime are prohibited from using, possessing, or purchasing bulletproof body armor without a permit issued by the Secretary of the Maryland State Police.

NOTE: A permit to use, possess, or purchase bulletproof body armor is not required for persons not convicted of a crime of violence or a drug trafficking crime.

Notice to all Bulletproof Body Armor Applicants: (Additional requirements for type of permit)

1. Owner or Employee of a Business: Submit photocopies of the Traders License or Articles of Incorporations, and if the purpose of the permit is for:
 - (a) Making deposits: Photocopies of six (6) random deposit slips for the business showing cash deposits or a letter from the bank (on bank stationery) attesting that your business has a cash flow;
 - (b) Cash Flow: Photocopies of Ten (10) receipts showing cash paid for supplies and/or cash received for services; or

(c) Requesting a permit for one of your employees, or if you are an employee and you have permission from your employer to obtain a permit: A letter from your employer on his business stationery, explaining in detail why you need bulletproof body armor as part of your duties.

2. Personal Protection: There must be documented evidence of recent threats and or assaults, supported by official police reports or notarized statements.

ATTENTION: Submission of this application does not permit you to use, possess, or purchase bulletproof body armor. Before you use, possess or purchase bulletproof body armor, you must possess a valid permit and keep it on your person while using, possessing, or purchasing the body armor.

**All applications must be complete and all checks/money orders must be made payable to the Maryland State Police.
All fees are established by Maryland Statute.
(All fees, unless otherwise stated, are non-refundable).**

**Providing False or Misleading Information
May Lead To Your Arrest**