

(1) 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

(2) A RETIRED LAW ENFORCEMENT OFFICER OF THE STATE OR A COUNTY OR MUNICIPAL CORPORATION OF THE STATE.

(E) SAME — METHOD OF PAYMENT.

THE APPLICANT MAY PAY A FEE UNDER THIS SECTION BY A PERSONAL CHECK; BUSINESS CHECK, CERTIFIED CHECK, OR MONEY ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36E(b), the second sentence of (e), and the reference to an application under oath in the introductory language of (a).

In subsection (c) of this section, the reference to a "fee under subsection (b) of this section" is substituted for the former reference to the "cost of the permit" for consistency with subsection (b) of this section.

In subsection (d)(1) of this section, the reference to a government employee who is required to "carry, wear, or transport" a handgun is substituted for the former reference to an employee required to "wear or carry" a handgun to conform to the terminology used in § 5-308 of this subtitle.

The Public Safety Article Review Committee notes, for the consideration of the General Assembly, that in subsection (c) of this section, which authorizes the Secretary to reduce the fee "accordingly" if the permit is granted "for one day only and at one place only", the word "accordingly" may be ambiguous. There is a lack of a clear statutory standard for determining whether to reduce the fee and the amount of any reduction. Ambiguity in the standard for the exercise of administrative discretion may constitute an invalid delegation of legislative authority.

Defined terms: "County" § 1-101

"Handgun" § 5-301

"Permit" § 5-301

"Secretary" § 5-301

5-305. CRIMINAL HISTORY RECORDS CHECK.

(A) "CENTRAL REPOSITORY" DEFINED.

IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) APPLICATION REQUIRED.

THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A PERMIT.