

29.04.07.00

Title 29 DEPARTMENT OF STATE POLICE

Subtitle 04 LICENSING AND PERMITS

Chapter 07 Protective Body Armor

Authority: Criminal Law Article, §§4-106—4-107, Annotated Code of Maryland

29.04.07.01

### **.01 Definitions.**

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

B. Terms Defined.

(1) "Ammunition" means any cartridge, shell, or other device containing explosive or incendiary material designed and intended for use in a firearm.

(2) "Bulletproof body armor" means any material or object that is designed to cover or be worn on any part of the body to prevent, deflect, or slow down the penetration of ammunition.

(3) "Crime of violence" has the meaning stated in Criminal Law Article, §14-101, Annotated Code of Maryland.

(4) "Drug trafficking crime" has the meaning stated in Criminal Law Article, §5-621, Annotated Code of Maryland.

(5) "Firearm" includes:

(a) A handgun, antique firearm, rifle, shotgun, short-barreled shotgun, or short-barreled rifle, as defined in Criminal Law Article, §4-201, Annotated Code of Maryland;

(b) A machine gun, as defined in Criminal Law Article, §4-401, Annotated Code of Maryland;

(c) A regulated firearm, as defined in Public Safety Article, §5-101, Annotated Code of Maryland; and

(d) An assault pistol, as defined in Criminal Law Article, §4-301, Annotated Code of Maryland.

(6) "Secretary" means the Secretary of the State Police or the Secretary's designee.

29.04.07.02

### **.02 Bulletproof Body Armor Petition for Permit.**

A person with a prior conviction for a crime of violence or a drug trafficking crime may file, for good cause shown, a petition with the Secretary for a permit to use, possess, and purchase bulletproof body armor.

29.04.07.03

### **.03 Application for a Permit to Use, Possess, or Purchase Bulletproof Body Armor.**

A. Applications may be obtained from the Maryland State Police Licensing Division or any Department of State Police barrack.

B. Completed applications shall be filed with the Maryland State Police Licensing Division, 7751 Washington Boulevard, Jessup, Maryland 20794.

C. Application Requirements.

(1) All questions on the application shall be answered, typed or printed. The application shall be signed under oath before a notary public.

(2) Photographs or computer images must have been taken within 30 days preceding the filing of the application, and shall be affixed to the application. The format shall be as follows:

(a) Two photographs, 1-1/2 inches by 1-1/2 inches, with no hat, showing head and shoulders, and on a light background; or

(b) In place of the photographs under §C(2)(a) of this regulation, a 3 1/2 inch computer disc containing a digital photographic image of the applicant in a JPEG format with no hat, showing head and shoulders, and on a light background.

*29.04.07.04*

### **.04 Investigation of Applicant.**

Upon receipt of the application and the supporting material described, the Secretary shall conduct an investigation of the applicant to determine whether the applicant possesses the qualifications for a permit as required by Criminal Law Article, §4-107, Annotated Code of Maryland.

*29.04.07.05*

### **.05 Criteria for Issuance of Permit.**

To determine whether a permit may be issued to an applicant, the following areas shall be investigated and considered:

A. Verification of the information supplied by an applicant in the application;

B. Occupation or profession of the applicant;

C. Criminal record of the applicant;

D. The interests of justice;

E. Medical history of the applicant as it may pertain to the applicant's fitness to use, purchase, or possess protective body armor;

F. Psychiatric or psychological background of the applicant as it may pertain to the applicant's fitness to use, purchase, or possess protective body armor;

G. Validity of reasons given by the applicant;

H. The totality of the circumstances;

I. Applicant's excessive or habitual use of intoxicating beverages and drugs;

J. Information received from personal references and other people interviewed;

K. Information received from business or employment references as may be necessary in the discretion of the investigator;

L. Whether the applicant has any alternative available to him for protection other than wearing protective body armor; and

M. The applicant's propensity for violence or instability which could reasonably render his owning, purchasing, or possessing protective body armor a danger to himself or to others.

*29.04.07.06*

### **.06 False or Omitted Information.**

If the investigation discloses that the applicant has furnished false information on the application for the permit, or has omitted significant information on the application for the permit, or has caused false information to be given in connection with the investigation, the Secretary may consider that activity to be a basis for denial of the permit.

*29.04.07.07*

### **.07 Notification of Issuance or Denial of Permit.**

Upon the completion of the investigation, the Secretary shall notify the applicant by letter either that the permit has been issued or that it has been denied.

*29.04.07.08*

### **.08 Renewal of Permit.**

A. An application for renewal of a permit to use, possess, or purchase protective body armor shall contain the same information and type of photographs, or digital disc, as for an original application.

B. A permit issued under this chapter expires in the 5th year after the date of its issuance, on the last day of the applicant's month of birth.

C. A permit shall be renewed for successive periods of 5 years if the applicant:

(1) Files an application for renewal at any time during the 3 months prior to the expiration of the permit; and

(2) At the time of application, possesses the qualifications set forth in this chapter for the issuance of a permit.

29.04.07.09

### **.09 Replacement or Modification of Permits.**

A. If a permit to use, possess, or purchase protective body armor is lost or stolen, notification of the loss or theft shall be made in writing to the Secretary, within 10 days upon discovery of the loss or theft. An affidavit, under oath before a notary public, stating that the permit has been lost or stolen, shall accompany the notification.

B. An applicant may file a request to modify a permit to use, possess, or purchase protective body armor. The request shall be made in writing to the Secretary and shall be accompanied by a photograph or digital photographic image meeting the requirements of Regulation .03C(2) of this chapter.

29.04.07.10

### **.10 Change of Address or Employment.**

A. If there is a change of address of an individual to whom a permit to use, purchase, or possess protective body armor has been issued, the individual shall notify the Secretary in writing, within 10 days of the change.

B. If an individual to whom a permit to use, purchase, or possess protective body armor has been issued changes employment, and the permit has been issued in conjunction with the individual's employment, the Secretary shall be notified by the individual in writing within 10 days of any changes in employment status.

29.04.07.11

### **.11 Revocation of Permit.**

The Secretary may revoke a permit issued or renewed at any time on a finding that a permit holder:

A. No longer satisfies the qualifications set forth in Regulation .05 of this chapter;

B. Made false statements or false representation in a renewal application;

C. Altered or forged a permit to use, purchase, or possess protective body armor;

D. Sold, rented, or otherwise transferred a protective body armor permit to another person;

E. Violated any of the permit restrictions imposed by the Secretary as provided by Criminal Law Article, §4-107, Annotated Code of Maryland; or

F. Failed to notify the Secretary, within 10 days, of any change in address, or if the applicant's permit was issued in conjunction with employment purposes, a change in employment status.

29.04.07.12

### **.12 Review of Denial or Revocation of Permit.**

A. Any person whose application for a permit or renewal of a permit has been rejected or whose permit has been revoked or limited may request the 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.

B. The informal review may include a personal interview with the applicant.

C. Pursuant to the informal review, the Secretary shall sustain, reverse, or modify the initial action taken and notify the applicant of the decision in writing within 30 days after receipt of the request for an informal review.

D. Any person aggrieved by a decision of the Secretary may seek review under State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.