

MAINE STATE LEGISLATURE

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Date: 4/22/13

L.D. 345
(Filing No. H- 89)

Majority
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 250, L.D. 345, Bill, "An Act To Ensure the Confidentiality of Concealed Weapons Permit Holder Information"

Amend the bill by striking out the title and substituting the following:

'An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information'

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the lists of all holders of concealed handgun permits in the State, which include personal information of the permit holders such as name, full current address and often date of birth, will revert to being public on April 30, 2013; and

Whereas, the public dissemination of personal information of concealed handgun permit holders may subject a holder to possible identity theft and may put the holder's and the holder's family's well-being at risk; and

Whereas, public access to information about concealed handgun permits that does not include information that personally identifies permit holders is consistent with the underlying principles of the Freedom of Access Act relating to understanding and monitoring how the government carries out its responsibilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

COMMITTEE AMENDMENT

1 immediately necessary for the preservation of the public peace, health and safety; now,
2 therefore,

3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 25 MRSA §2006**, as amended by PL 2011, c. 662, §15, is repealed and the
5 following enacted in its place:

6 **§2006. Access to information and proceedings**

7 **1. Application, refusals and collected information; proceedings.** All applications
8 for a permit to carry concealed handguns and documents made a part of the application,
9 refusals and any information of record collected by the issuing authority during the
10 process of ascertaining whether an applicant is of good moral character and meets the
11 additional requirements of sections 2003 and 2005 are confidential and are not public
12 records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive
13 this confidentiality by written notice to the issuing authority. All proceedings relating to
14 the issuance, refusal, suspension or revocation of a permit to carry concealed handguns
15 are not public proceedings under Title 1, chapter 13, unless otherwise requested by the
16 applicant.

17 **2. Permanent record of permit.** The issuing authority shall make a permanent
18 record of each permit to carry concealed handguns in a suitable book or file kept for that
19 purpose. The record must include the information contained in the permit itself. The
20 record is confidential except that the following information about each permit holder is
21 not confidential and is a public record:

- 22 **A. The municipality of residence;**
- 23 **B. The date the permit was issued; and**
- 24 **C. The date the permit expires.**

25 This subsection does not limit disclosure of confidential information for criminal justice
26 purposes or permitting purposes to law enforcement officers and issuing authorities.

27 **Sec. 2. Statistical information; plan; report.** In order to provide meaningful
28 statistical information about concealed handgun permits in this State, the Chief of the
29 State Police shall prepare a plan that meets the requirements of this section. The Chief of
30 the State Police shall submit a report to the Joint Standing Committee on Criminal Justice
31 and Public Safety no later than January 15, 2014 that contains the plan along with any
32 proposed implementing legislation. The Joint Standing Committee on Criminal Justice
33 and Public Safety may report out legislation to the Second Regular Session of the 126th
34 Legislature upon receipt of the report. The plan must include the following elements.

35 **1. Statistical information.** The plan must propose a process that results in the
36 availability of statistical information about concealed handgun permits in this State. The
37 information must include at a minimum the following data:

- 38 **A. About the permitting process:**
 - 39 (1) The number of permit applications;
 - 40 (2) The number of permits issued;

- 1 (3) The number of applications refused or denied; and
2 (4) The number of suspensions and revocations; and
3 B. About applicants and permit holders:
4 (1) Gender;
5 (2) Age, in 5-year or 10-year ranges; and
6 (3) Municipality or zip code of residence.

7 The proposal may include any additional data that may be useful in the analysis of
8 concealed handgun permits and the issuing process, as long as personally identifying
9 information about applicants or permit holders is not disclosed as a public record. The
10 plan must include appropriate reporting periods.

11 **2. Permit.** The Chief of the State Police shall review the form of the permits used
12 by issuing authorities and determine if a single model permit form would be desirable.
13 The plan may include a model permit, which may include the integration of a photograph.
14 The plan may recommend the use of a model permit as either advisory or mandatory for
15 all issuing authorities.

16 **3. Statewide information.** The plan must include a process for identifying and
17 collecting information from all issuing authorities to provide complete statewide
18 statistical information as required in subsection 1. The Chief of the State Police shall
19 invite issuing authorities to provide suggestions and comments. The plan may eliminate
20 the responsibility of municipal issuing authorities to make information available to the
21 public if the identical information is available from a central state source. The plan must
22 provide for the public availability of statistical information and must provide for an
23 annual report of statewide statistical information.

24 **4. Additional information and recommendations.** The Chief of the State Police
25 may include in the report any additional information or recommendations that the chief
26 determines may be useful to the Legislature in addressing issues concerning concealed
27 handgun permits.

28 **Emergency clause.** In view of the emergency cited in the preamble, this Act takes
29 effect April 30, 2013.'

30 **SUMMARY**

31 This amendment is the majority report of the Joint Standing Committee on Judiciary.

32 This amendment replaces the bill. It clarifies the current law concerning the
33 confidentiality of concealed handgun permit information. It also provides that the
34 permanent record that an issuing authority is required to make when issuing a concealed
35 handgun permit is confidential, except that the municipality of residence of the permit
36 holder, the date the permit was issued and the date the permit expires are public. The
37 confidential information may be disclosed for criminal justice purposes or permitting
38 purposes to law enforcement officers or issuing authorities.

39 The amendment directs the Chief of the State Police to develop a plan for the
40 availability of statistical information about concealed handgun permits and the issuing

1 process. The Chief of the State Police shall submit a report to the Joint Standing
2 Committee on Criminal Justice and Public Safety no later than January 15, 2014 that
3 contains the plan along with any proposed implementing legislation. The Joint Standing
4 Committee on Criminal Justice and Public Safety may report out legislation to the Second
5 Regular Session of the 126th Legislature upon receipt of the report. The plan must
6 address specific data elements, whether a model permit would be desirable and a process
7 to collect and make available statewide statistics and may include any other information
8 or recommendations concerning issues about concealed handgun permits.

9 This amendment includes a mandate preamble to exempt the identified mandate on
10 local government issuing authorities from the finding requirement.

11 This amendment provides an effective date of April 30, 2013, which is immediately
12 after Resolve 2013, chapter 1 is repealed.

13 **FISCAL NOTE REQUIRED**
14 **(See attached)**



126th MAINE LEGISLATURE

LD 345

LR 880(02)

An Act To Ensure the Confidentiality of Concealed Weapons Permit Holder Information

Fiscal Note for Bill as Amended by Committee Amendment

A (H-89)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Exempted

State Mandates

Required Activity

Requires municipalities to manually redact certain information from concealed handgun permits.

Unit Affected

Municipality

Local Cost

Insignificant statewide

Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the state from the constitutional requirement to fund 90% of the additional costs.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with manually redacting concealed handgun permit information, preparing the required plan and reporting the results can be absorbed within existing budgeted resources.