

MAINE STATE LEGISLATURE

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Date: 4/22/13

L.D. 345
(Filing No. H-90)

Minority
JUDICIARY

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

COMMITTEE AMENDMENT "B" 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 Concerning Concealed Handgun Permit Holder Personal Information'

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

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

Sec. 1. 25 MRSA §2006, as amended by PL 2011, c. 662, §15, is repealed and the following enacted in its place:

§2006. Access to information and proceedings

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

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. Except for information described in subsection 3, the permanent record about individual permit holders is a public record with the following restrictions.

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1 A. The issuing authority shall provide information upon request about whether a
2 permit has been issued to a named individual or to any individual at a specific
3 address.

4 B. A requester is limited to one request under paragraph A per day.

5 **3. Protected concealed handgun permit holders.** Information about the following
6 permit holders is confidential and may not be released under subsection 2 if the permit
7 holder has stated in the application the following:

8 A. The applicant's life or safety may be endangered by disclosure because:

9 (1) The applicant is an active or retired law enforcement officer or corrections
10 officer;

11 (2) The applicant is an active or retired state or federal magistrate, judge or
12 justice;

13 (3) The applicant is or was a prosecuting attorney;

14 (4) The applicant is protected by a currently valid protection from abuse order;

15 (5) The applicant is or was a witness in a criminal proceeding involving a
16 criminal charge; or

17 (6) The applicant is participating or previously participated as a juror in a
18 criminal proceeding or is or was a member of a grand jury;

19 B. The applicant has reason to believe that the applicant's life or safety may be
20 endangered by disclosure due to reasons stated by the applicant in an affidavit; or

21 C. The applicant has reason to believe that the applicant may be subject to
22 unwarranted harassment upon disclosure of such information.

23 This subsection does not prohibit access to the information by law enforcement officers
24 within the scope of their official duties.

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

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

36 A. About the permitting process:

37 (1) The number of permit applications;

38 (2) The number of permits issued;

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- 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 protected under the Maine Revised
10 Statutes, Title 25, section 2006, subsection 3 is not disclosed as a public record. The plan
11 must include appropriate reporting periods.

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

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

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

29 **SUMMARY**

30 This amendment is the minority report of the Joint Standing Committee on Judiciary.

31 This amendment replaces the bill and deletes the emergency preamble and emergency
32 clause.

33 This amendment clarifies the current law concerning the confidentiality of concealed
34 handgun permit information. It also provides that the permanent record that an issuing
35 authority is required to make when issuing a concealed handgun permit is a public record,
36 except that the personally identifying information about certain individuals may be
37 protected from disclosure upon request. Information about the following permit holders
38 is confidential and may not be released if the permit holder stated in the application the
39 following:

- 40 1. The applicant's life or safety may be endangered by disclosure because:

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- 1 A. The applicant is an active or retired law enforcement officer or corrections
- 2 officer;
- 3 B. The applicant is an active or retired state or federal magistrate, judge or justice;
- 4 C. The applicant is or was a prosecuting attorney;
- 5 D. The applicant is protected by a currently valid protection from abuse order;
- 6 E. The applicant is or was a witness in a criminal proceeding involving a criminal
- 7 charge; or
- 8 F. The applicant is participating or previously participated as a juror in a criminal
- 9 proceeding or is or was a member of a grand jury;
- 10 2. The applicant has reason to believe that the applicant's life or safety may be
- 11 endangered by disclosure due to reasons stated by the applicant in an affidavit; or
- 12 3. The applicant has reason to believe that the applicant may be subject to
- 13 unwarranted harassment upon disclosure of such information.

14 The amendment directs the Chief of the State Police to develop a plan for the

15 availability of statistical information about concealed handgun permits and the issuing

16 process. The Chief of the State Police shall submit a report to the Joint Standing

17 Committee on Criminal Justice and Public Safety no later than January 15, 2014 that

18 contains the plan along with any proposed implementing legislation. The Joint Standing

19 Committee on Criminal Justice and Public Safety may report out legislation to the Second

20 Regular Session of the 126th Legislature upon receipt of the report. The plan must

21 address specific data elements, whether a model permit would be desirable and a process

22 to collect and make available statewide statistics and may include any other information

23 or recommendations concerning issues about concealed handgun permits.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



Approved: 04/09/13 *MJC*

126th MAINE LEGISLATURE

LD 345

LR 880(03)

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

Fiscal Note for Bill as Amended by Committee Amendment 'B' (H-90)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

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.