

HOUSE BILL 760

E4
HB 611/17 – JUD

8lr1575

By: **Delegates Impallaria, Buckel, McComas, McDonough, Reilly, Rey, Rose, and Shoemaker**

Introduced and read first time: February 1, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Handguns – School Employees – Handgun Permits and Carrying Weapons on**
3 **School Property**

4 FOR the purpose of authorizing a county board to authorize school employees in the county
5 board's school system to carry a handgun on school property under certain
6 circumstances; requiring the Secretary of State Police to issue a handgun permit to
7 a person who is otherwise qualified and who is a school employee in a certain school
8 system; creating an exception to the prohibition against carrying a deadly weapon
9 on public school property for a school employee authorized to carry a handgun by the
10 county board and who has been issued a handgun permit; and generally relating to
11 handgun permits and carrying weapons on school property.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 4–102
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Education
19 Section 3–104(c)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety
24 Section 5–306
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Criminal Law**

4 4–102.

5 (a) This section does not apply to:

6 (1) a law enforcement officer in the regular course of the officer's duty;

7 (2) an off-duty law enforcement officer or a person who has retired as a law
8 enforcement officer in good standing from a law enforcement agency of the United States,
9 the State, or a local unit in the State who is a parent, guardian, or visitor of a student
10 attending a school located on the public school property, provided that:

11 (i) the officer or retired officer is displaying the officer's or retired
12 officer's badge or credential;

13 (ii) the weapon carried or possessed by the officer or retired officer is
14 concealed; and

15 (iii) the officer or retired officer is authorized to carry a concealed
16 handgun in the State;

17 (3) a person hired by a county board of education specifically for the
18 purpose of guarding public school property;

19 (4) **A SCHOOL EMPLOYEE WHO IS AUTHORIZED TO CARRY A HANDGUN**
20 **BY A COUNTY SCHOOL BOARD UNDER § 3–104(C) OF THE EDUCATION ARTICLE AND**
21 **WHO HAS BEEN ISSUED A HANDGUN PERMIT UNDER § 5–306 OF THE PUBLIC SAFETY**
22 **ARTICLE IF THE PERSON HAS THE WEAPON SECURED ON THE PERSON'S BODY;**

23 (5) a person engaged in organized shooting activity for educational
24 purposes; or

25 ~~[(5)]~~ (6) a person who, with a written invitation from the school principal,
26 displays or engages in a historical demonstration using a weapon or a replica of a weapon
27 for educational purposes.

28 (b) A person may not carry or possess a firearm, knife, or deadly weapon of any
29 kind on public school property.

30 (c) (1) Except as provided in paragraph (2) of this subsection, a person who
31 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
32 not exceeding 3 years or a fine not exceeding \$1,000 or both.

1 (2) A person who is convicted of carrying or possessing a handgun in
2 violation of this section shall be sentenced under Subtitle 2 of this title.

3 **Article – Education**

4 3–104.

5 **(C) (1) A COUNTY BOARD MAY AUTHORIZE SCHOOL EMPLOYEES IN THE**
6 **COUNTY BOARD’S SCHOOL SYSTEM TO CARRY A HANDGUN ON SCHOOL PROPERTY.**

7 **(2) A SCHOOL EMPLOYEE MAY CARRY A HANDGUN ON SCHOOL**
8 **PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE HANDGUN IS**
9 **SECURED ON THE PERSON’S BODY.**

10 **Article – Public Safety**

11 5–306.

12 (a) Subject to subsection (c) of this section, the Secretary shall issue a permit
13 within a reasonable time to a person who the Secretary finds:

14 (1) is an adult;

15 (2) (i) has not been convicted of a felony or of a misdemeanor for which
16 a sentence of imprisonment for more than 1 year has been imposed; or

17 (ii) if convicted of a crime described in item (i) of this item, has been
18 pardoned or has been granted relief under 18 U.S.C. § 925(c);

19 (3) has not been convicted of a crime involving the possession, use, or
20 distribution of a controlled dangerous substance;

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

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

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

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

1 (ii) classroom instruction on:

2 1. State firearm law;

3 2. home firearm safety; and

4 3. handgun mechanisms and operation; and

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

7 (6) based on an investigation:

8 (i) has not exhibited a propensity for violence or instability that may
9 reasonably render the person's possession of a handgun a danger to the person or to
10 another; and

11 (ii) 1. has good and substantial reason to wear, carry, or
12 transport a handgun, such as a finding that the permit is necessary as a reasonable
13 precaution against apprehended danger; **OR**

14 2. **IS A SCHOOL EMPLOYEE IN A SCHOOL SYSTEM IN**
15 **WHICH THE COUNTY SCHOOL BOARD HAS AUTHORIZED SCHOOL EMPLOYEES TO**
16 **CARRY A HANDGUN UNDER § 3-104(C) OF THE EDUCATION ARTICLE.**

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

19 (1) is a law enforcement officer or a person who is retired in good standing
20 from service with a law enforcement agency of the United States, the State, or any local
21 law enforcement agency in the State;

22 (2) is a member, retired member, or honorably discharged member of the
23 armed forces of the United States or the National Guard;

24 (3) is a qualified handgun instructor; or

25 (4) has completed a firearms training course approved by the Secretary.

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

28 (1) committed to a detention, training, or correctional institution for
29 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

- 1 (2) adjudicated delinquent by a juvenile court for:
- 2 (i) an act that would be a crime of violence if committed by an adult;
- 3 (ii) an act that would be a felony in this State if committed by an
4 adult; or
- 5 (iii) an act that would be a misdemeanor in this State that carries a
6 statutory penalty of more than 2 years if committed by an adult.
- 7 (d) The Secretary may issue a handgun qualification license, without an
8 additional application or fee, to a person who:
- 9 (1) meets the requirements for issuance of a permit under this section; and
- 10 (2) does not have a handgun qualification license issued under § 5–117.1 of
11 this title.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2018.