

HOUSE BILL 436

E4

3lr1251
CF 3lr2207

By: **Delegates Impallaria, Boteler, Dwyer, McDonough, W. Miller, Myers, Parrott, Stocksedale, and Szeliga**

Introduced and read first time: January 28, 2013

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

13 BY repealing and reenacting, with amendments,
14 Article – Criminal Law
15 Section 4–102
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2012 Supplement)

18 BY adding to
19 Article – Education
20 Section 3–104(c)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Public Safety
25 Section 5–306
26 Annotated Code of Maryland
27 (2011 Replacement Volume and 2012 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
2 MARYLAND, 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) a person hired by a county board of education specifically for the
8 purpose of guarding public school property;

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

14 (4) a person engaged in organized shooting activity for educational
15 purposes; or

16 **[(4)] (5)** a person who, with a written invitation from the school
17 principal, displays or engages in a historical demonstration using a weapon or a
18 replica of a weapon for educational purposes.

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

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

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

26 **Article – Education**

27 3–104.

28 **(C) (1) A COUNTY BOARD MAY AUTHORIZE SCHOOL EMPLOYEES IN
29 THE COUNTY BOARD'S SCHOOL SYSTEM TO CARRY A HANDGUN ON SCHOOL
30 PROPERTY.**

- 1 (2) adjudicated delinquent by a juvenile court for:
- 2 (i) an act that would be a crime of violence if committed by an
3 adult;
- 4 (ii) an act that would be a felony in this State if committed by
5 an adult; or
- 6 (iii) an act that would be a misdemeanor in this State that
7 carries a statutory penalty of more than 2 years if committed by an adult.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.