3lr1251 CF 3lr2207

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

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

A BILL ENTITLED

1	AN ACT concerning
2 3	Handguns – School Employees – Handgun Permits and Carrying Weapons on School Property
4 5 6 7 8 9 10 11 12	FOR the purpose of authorizing a county board to authorize school employees in the county board's school system to carry a handgun on school property under certain circumstances; requiring the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who is a school employee in a certain school system; creating an exception to the prohibition against carrying a deadly weapon on public school property for a school employee authorized to carry a handgun by the county board and who has been issued a handgun permit under certain circumstances; and generally relating to school employees, handgun permits, and carrying weapons on school property.
13 14 15 16 17	BY repealing and reenacting, with amendments, Article – Criminal Law Section 4–102 Annotated Code of Maryland (2012 Replacement Volume and 2012 Supplement)
18 19 20 21 22	BY adding to Article – Education Section 3–104(c) Annotated Code of Maryland (2008 Replacement Volume and 2012 Supplement)
23 24 25 26	BY repealing and reenacting, with amendments, Article – Public Safety Section 5–306 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

(2011 Replacement Volume and 2012 Supplement)

[Brackets] indicate matter deleted from existing law.

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PROPERTY.

$\begin{array}{c} 1 \\ 2 \end{array}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 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 8	(2) a person hired by a county board of education specifically for the purpose of guarding public school property;					
9 10 11 12 13	(3) A SCHOOL EMPLOYEE WHO IS AUTHORIZED TO CARRY A HANDGUN BY A COUNTY SCHOOL BOARD UNDER § 3–104(C) OF THE EDUCATION ARTICLE AND WHO HAS BEEN ISSUED A HANDGUN PERMIT UNDER § 5–306 OF THE PUBLIC SAFETY ARTICLE IF THE PERSON HAS THE WEAPON SECURED ON THE PERSON'S BODY;					
14 15	(4) a person engaged in organized shooting activity for educational purposes; or					
16 17 18	[(4)] (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.					
19 20	(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.					
21 22 23	(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.					
24 25	(2) A person who is convicted of carrying or possessing a handgun in 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					

THE COUNTY BOARD'S SCHOOL SYSTEM TO CARRY A HANDGUN ON SCHOOL

1 2 3	(2) A SCHOOL EMPLOYEE MAY CARRY A HANDGUN ON SCHOOL PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE HANDGUN IS SECURED ON THE PERSON'S BODY.
4	Article - Public Safety
5	5–306.
6 7	(a) Subject to subsection (b) of this section, the Secretary shall issue a permit within a reasonable time to a person who the Secretary finds:
8	(1) is an adult;
9 10	(2) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or
11 12	(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. \S 925(c);
13 14	(3) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;
15 16 17	(4) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction; and
18	(5) based on an investigation:
19 20 21	(i) has not exhibited a propensity for violence or instability that may reasonably render the person's possession of a handgun a danger to the person or to another; and
22 23 24	(ii) ${\bf 1.}$ has good and substantial reason to wear, carry, or transport a handgun, such as a finding that the permit is necessary as a reasonable precaution against apprehended danger; ${\bf OR}$
25 26 27	2. IS A SCHOOL EMPLOYEE IN A SCHOOL SYSTEM IN WHICH THE COUNTY SCHOOL BOARD HAS AUTHORIZED SCHOOL EMPLOYEES TO CARRY A HANDGUN UNDER § 3–104(C) OF THE EDUCATION ARTICLE.
28 29	(b) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:
30 31	(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile

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court; or

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1	(2)	adjud	licated delinquent by a juvenile court for:
2	adult;	(i)	an act that would be a crime of violence if committed by an
4 5	an adult; or	(ii)	an act that would be a felony in this State if committed by
6 7	carries a statutory	(iii) penal	an act that would be a misdemeanor in this State that ty of more than 2 years if committed by an adult.
8	SECTION 2 October 1, 2013.	2. AND	BE IT FURTHER ENACTED, That this Act shall take effect