

# SENATE BILL 533

E4

3lr2207  
CF HB 436

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By: **Senators Jacobs, Brinkley, Colburn, Glassman, Pipkin, and Reilly**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

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## 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)

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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.