

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 395
Judiciary

(Delegate McDermott, *et al.*)

Handguns - Permit Qualifications and Carrying on School Property - School Guardians

This bill authorizes county superintendents and the Chief Executive Officer of the Baltimore City Board of School Commissioners to designate an individual working within a school as a school guardian who may carry a handgun on school property if the person is otherwise qualified to be issued a handgun permit. The bill creates an exception to the prohibition against carrying a deadly weapon on public school property for a person who has been designated as a school guardian and who has been issued a handgun permit. The bill also requires the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who has been designated as a school guardian; the bill does not require that such a person provide a good and substantial reason to wear, carry, or transport a handgun.

Fiscal Summary

State Effect: General fund revenues from handgun permit and renewal fees may increase, offset by increases in general fund expenditures for the Department of State Police (DSP) to process permit applications and renewals.

Local Effect: The designation of school guardians can be accommodated with the existing budgeted resources of local school systems. To the extent local school systems utilize the authorization, local expenditures increase if school systems pay the handgun permit fees or purchase handguns for their employees. Potential increase in liability costs for insurance and potential litigation.

Small Business Effect: None.

Analysis

Current Law:

Carrying a Deadly Weapon on School Property

A person is prohibited from carrying or possessing a firearm, knife, or deadly weapon of any kind on any public school property. A person who violates this prohibition using any weapon other than a handgun is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years, a fine of \$1,000, or both. The misdemeanor penalties for a violator using a handgun are as follows: (1) for a first offense, a fine of not less than \$250 and not more than \$2,500 and/or a sentence of not less than 90 days nor more than 3 years; (2) for a second offense, a mandatory minimum sentence of 3 years and a maximum sentence of 10 years; and (3) for a third or subsequent offense, a mandatory minimum sentence of 5 years and a maximum sentence of 10 years.

The prohibition against carrying a deadly weapon on public school property does not apply to:

- law enforcement officers in the regular course of their duty;
- a person hired by a county board of education specifically for the purpose of guarding public school property;
- persons engaged in organized shooting activity for educational purposes; or
- a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or replica of a weapon for educational purposes.

Handgun Permits

Maryland law requires a person to be issued a permit to wear, carry, or transport a handgun. To be issued a permit to carry a handgun by DSP, an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or misdemeanor that carries a statutory penalty of more than two years; (4) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (5) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; and (6) must have a good and substantial reason to wear, carry,

or transport a handgun. “Good and substantial reason” includes a finding by DSP that the permit is necessary as a reasonable precaution against apprehended danger.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for initial applications and renewals.

Background: Some local school systems have memorandums of understanding with local law enforcement agencies to have specially trained officers, known as school resource officers (SROs), in schools. The Maryland State Department of Education (MSDE) reports that there are 302 SROs for the 1,437 public schools in the State. These officers are generally off-duty local law enforcement officers.

In 2010, the U.S. Department of Education awarded MSDE a \$3.1 million Safe and Supportive School grant to help measure school safety at the building level and assist in helping those schools with the greatest safety needs. The Governor’s proposed fiscal 2014 capital budget includes \$25 million for statewide public school security improvements.

According to the National Conference of State Legislatures, there are currently 18 states including Maryland that have proposed legislation in 2013 that relates to the carrying of firearms by law enforcement, SROs and other security personnel. These states are Alabama, Arizona, Arkansas, California, Georgia, Iowa, Indiana, Louisiana, Mississippi, North Carolina, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, and Virginia.

On January 16, 2013, President Obama signed 23 executive actions to strengthen existing gun laws and to take related steps addressing mental health and school safety. The President also asked Congress to reinstate and strengthen the assault weapons ban that expired in 2004, to restrict ammunition magazines to no more than 10 rounds, and to expand background checks to virtually all gun transactions. All of these Presidential Actions can be found online at: <http://www.whitehouse.gov/briefing-room/presidential-actions>.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Carroll, Harford, Queen Anne's, and St. Mary's counties; Maryland State Department of Education; Department of State Police; Department of Legislative Services

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