

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1032

(Delegate Jackson, *et al.*)

Judiciary

Judicial Proceedings

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Public Safety - Transport of Weapons on School Property - Retired Law  
Enforcement Officers

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This bill adds retired law enforcement officers in good standing to an exemption applicable to a prohibition against carrying or possessing a deadly weapon on public school property. The bill also specifies that an officer or retired officer covered under the exemption must be authorized to carry a concealed handgun in the State.

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Fiscal Summary

**State Effect:** None. The bill's changes do not materially affect State operations or finances.

**Local Effect:** None. The bill's changes do not materially affect local operations or finances.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*Possession of Weapons on School Property*

A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. A person who is convicted of carrying or possessing a handgun in violation of this prohibition must be sentenced under

the misdemeanor penalty provisions applicable to illegally wearing, carrying, or transporting a handgun.

This prohibition does not apply to:

- a law enforcement officer in the regular course of the officer's duty;
- an off-duty law enforcement officer who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that (1) the officer is displaying the officer's badge or credential and (2) the weapon carried or possessed by the officer is concealed;
- a person hired by a county board of education specifically for the purpose of guarding public school property;
- a person 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 a replica of a weapon for educational purposes.

### *Maryland Handgun Permits*

Generally, with certain exceptions, to be issued a permit to carry a handgun by the Secretary of State Police, 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 the person is 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 that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area; circumstances; or times of day, week, month, or year in which a permit is effective.

Maryland's permit to carry a handgun does not make reference to concealed carry and does not extend to all regulated firearms.

## *Law Enforcement Officers Safety Act*

The federal Law Enforcement Officers Safety Act (LEOSA) allows federal, state, and local “qualified law enforcement officers” and “qualified retired law enforcement officers” to carry a concealed firearm in any jurisdiction in the United States without obtaining any permit required by the State or local jurisdiction. LEOSA does not override the federal Gun-Free School Zone Act, which prohibits carrying a firearm within 1,000 feet of an elementary or secondary school. A retiree may carry a concealed firearm with his/her issued retiree identification card and with certification that he/she has successfully completed annual firearms training at his/her own cost. The retiree’s organization may annually issue a single LEOSA card which the retiree may carry in lieu of carrying his/her retirement card and the annual certification document.

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### **Additional Information**

**Prior Introductions:** HB 919 of 2014 received a hearing in the House Judiciary Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Maryland State Department of Education; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2015  
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