

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 725  
Judiciary

(Delegate Impallaria)

---

**Handguns - School Employees - Handgun Permits and Carrying Weapons on  
School Property**

---

This bill authorizes a county board of education (including Baltimore City) to authorize school employees in the local school system to carry a handgun on school property. A school employee may carry a handgun under this authorization only if the handgun is secured on the person's body. The bill creates an exception to the prohibition against carrying a deadly weapon on public school property for a person who has been authorized to carry a handgun by a county board and who has been issued a handgun permit by the Department of State Police (DSP) if the weapon is secured on the person's body. The bill also requires 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 school system in which the county board has authorized school employees to carry a handgun; the bill does not require such a person to 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 an increase in general fund expenditures for DSP to process permit applications and renewals.

**Local Effect:** The authority granted under the bill to county boards of education (including Baltimore City) can be utilized with existing budgeted resources. To the extent county boards 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;
- an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United State, the State, or a local unit in the State 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;
- 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. Generally, with certain exceptions, to be issued a permit to carry, wear, or transport 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) 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; (4) must not exhibit a propensity for violence or instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) 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; and (7) 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 reports that there are 305 SROs for the 1,435 public schools in the State. These officers are generally off-duty local law enforcement officers.

---

### **Additional Information**

**Prior Introductions:** HB 436 of 2013 received a hearing in the House Judiciary Committee, but no further action was taken on the bill. Its cross file, SB 533, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken on the bill.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2016  
kb/lgc

---

Analysis by: Shirleen M. E.  
Pilgrim

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510