

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1474 (Delegate Miele)
 Judiciary

Driver's Licenses - Revocation for Firearms on School Property

This bill requires the Motor Vehicle Administration (MVA) to revoke an individual's driver's license (or privilege to drive) for a period of at least one year (but no more than three years) if the person is a student and is convicted of carrying or possessing a firearm on school property.

Fiscal Summary

State Effect: General fund expenditures increase by \$155,800 in FY 2019 only for reprogramming. Transportation Trust Fund expenditures also increase in FY 2019 for reprogramming. State revenues are not materially affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	155,800	0	0	0	0
SF Expenditure	51,000	0	0	0	0
Net Effect	(\$206,800)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not expected to materially affect circuit court operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: Upon conviction, the court must notify the person that the person's driver's license or privilege to drive will be revoked. The court must also inform MVA of the violation. Upon receipt of the notice, MVA must revoke the individual's driver's license or driving privilege. Except as specified, MVA must reinstate the license or privilege after the end of the revocation period upon application.

Current Law/Background: 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 or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, 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 or retired officer is displaying the officer's or retired officer's badge or credential; (2) the weapon carried or possessed by the officer or the retired officer is concealed; and (3) the officer or retired officer is authorized to carry a concealed handgun in the State;
- a person hired by a local 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.

The Judiciary advises that, in fiscal 2017, there were two guilty dispositions related to carrying or possessing a firearm, knife, or deadly weapon on a school campus. It is unknown whether the individuals involved were students.

Generally, any individual whose license or privilege to drive has been revoked may apply for reinstatement as specified in the Transportation Article. For a first revocation, the individual may *file* a reinstatement *application* at any time after the day the revoked license

is surrendered (and received by) MVA or, if the individual does not have a license, after the effective date of the revocation. Then, on receipt of the application, MVA may reinstate the license or privilege six months after the revoked license is received (or for an individual who does not have a license, six months after the effective date of the revocation). If the license is revoked a second time, the individual may apply for reinstatement after one year and MVA may reinstate the license or privilege on receipt of the application. Additional revocations require the person to wait for longer periods of time before applying for reinstatement. For instance, if the license is revoked four or more times, the individual may not apply for reinstatement until after two years.

State Fiscal Effect: Because the bill requires the Judiciary and MVA to take certain actions related to driver's license revocations, reprogramming changes are necessary. According to the Judiciary, 1,732 hours of reprogramming are required, totaling \$155,820 in fiscal 2019 only. Likewise, MVA anticipates reprogramming costs totaling \$51,000 in fiscal 2019 only.

Any additional revocations and subsequent reinstatements of driver's licenses likely have no material impact on MVA finances or operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland State Department of Education; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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md/ljm

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