

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 302  
Judiciary

(Delegate Love, *et al.*)

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Criminal Law - Deadly Weapons on School Property - Nonpublic Schools  
(No Weapons on Nonpublic School Property Act)

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This bill extends a prohibition against carrying or possessing a firearm, knife, or deadly weapon on public school property to apply to nonpublic school property. The bill also expands the exceptions to the prohibition by specifying that the law enforcement officer exception extends to nonpublic school property and by including a person hired by a nonpublic school specifically for the purpose of guarding the school property.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to expanded application of existing penalty provisions.

**Local Effect:** Potential minimal increase in local revenues and expenditures due to expanded application of existing penalty provisions. Enforcement can be handled with the existing budgeted resources of local law enforcement units.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:**

*Carrying a Deadly Weapon 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 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 county board of education specifically for the purpose of guarding public school property;
- a person engaged in an 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.

**Background:** The Department of Public Safety and Correctional Services advises that, in fiscal 2019, one person was sentenced to the Division of Correction for possession of a deadly weapon on public school property.

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### **Additional Information**

**Prior Introductions:** SB 353 of 2014, a similar bill, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Designated Cross File:** None.

**Information Source(s):** Baltimore, Carroll, Harford, and St. Mary's counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Maryland State Department of Education; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 2, 2020  
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