

HOUSE BILL 490

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E4

2002 Regular Session
2r1502
CF 2r2544

By: **Delegate Kelly**

Introduced and read first time: January 30, 2002

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2002

CHAPTER _____

1 AN ACT concerning

2 **Firearms Safety Training Course - Maryland Tort Claims Act - Applicability**

3 FOR the purpose of altering the definition of "State Personnel" under the Maryland
4 Tort Claims Act to include certain individuals ~~and organizations~~ who provide a
5 certain firearms safety training course; and generally relating to firearms safety
6 training courses and the Maryland Tort Claims Act.

7 BY repealing and reenacting, without amendments,
8 Article 41 - Governor - Executive and Administrative Departments
9 Section 4-201(d-1)
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2001 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 12-101
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2001 Supplement)

17 BY repealing and reenacting, without amendments,
18 Article - State Government
19 Section 12-104(a)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2001 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 41 - Governor - Executive and Administrative Departments**

4 4-201.

5 (d-1) (1) The Commission shall, subject to paragraph (2) of this subsection,
6 adopt regulations by January 1, 2001 for a certified firearms safety training course
7 required for an applicant for a regulated firearms purchase, rental, or transfer made
8 on or after January 1, 2002.

9 (2) The required certified firearms safety training course shall:

10 (i) Be offered by the Commission and:

11 1. Be offered free of charge or fee;

12 2. Be no more than 2 hours in length;

13 3. Be conducted or offered at least once each week in all
14 geographic areas of the State and be available after regular business hours;

15 4. Be open to any individual required by law to complete the
16 firearms safety training course, within 2 weeks of the request of the individual;

17 5. May not require any skills or knowledge testing in the use
18 of a regulated firearm in order to successfully complete the course; and

19 6. Shall only require attendance throughout the duration of
20 the course in order to successfully complete the course; or

21 (ii) Contain a handgun safety component and be conducted by an
22 individual or organization certified by:

23 1. The Police Training Commission;

24 2. The Department of Natural Resources;

25 3. The Department of State Police; or

26 4. Any reputable organization having as one of its objectives
27 the promotion of competency and safety in handling handguns whose course has been
28 determined by the Commission to meet the regulations adopted by the Commission.

29 **Article - State Government**

30 12-101.

31 (a) In this subtitle, unless the context clearly requires otherwise, "State
32 personnel" means:

- 1 (1) a State employee or official who is paid in whole or in part by the
2 Central Payroll Bureau in the Office of the Comptroller of the Treasury;
- 3 (2) an employee or official of the:
- 4 (i) Maryland Transportation Authority;
- 5 (ii) Injured Workers' Insurance Fund;
- 6 (iii) Maryland Stadium Authority;
- 7 (iv) Maryland Environmental Service;
- 8 (v) overseas programs of the University College of the University
9 System of Maryland;
- 10 (vi) Maryland Economic Development Corporation;
- 11 (vii) Maryland Technology Development Corporation; and
- 12 (viii) Maryland African American Museum Corporation;
- 13 (3) a person who:
- 14 (i) is a member of a State board, commission, or similar State
15 entity; or
- 16 (ii) 1. is providing a service to or for the State;
- 17 2. is not paid in whole or in part by the State; and
- 18 3. satisfies all other requirements for designation as State
19 personnel as may be set forth in regulations adopted by the Treasurer pursuant to
20 Title 10 of this article;
- 21 (4) an individual who, without compensation, exercises a part of the
22 sovereignty of the State;
- 23 (5) a student enrolled in a State educational institution:
- 24 (i) who is providing services to third parties in the course of
25 participation in an approved clinical training or academic program;
- 26 (ii) who, as determined by the Treasurer, is required to have
27 liability insurance covering claims arising from services to third parties performed by
28 the student in the course of the approved clinical training or academic program;
- 29 (iii) who, as determined by the Treasurer, cannot obtain commercial
30 liability insurance at an affordable cost; and

1 (iv) who, as determined by the Treasurer, may be required to
2 contribute to an insurance program for claims arising from services to third parties
3 performed by the student in the course of the approved clinical training or academic
4 program;

5 (6) a sheriff or deputy sheriff of a county or Baltimore City;

6 (7) an employee of a county who is assigned to a local department of
7 social services, including a Montgomery County employee who carries out State
8 programs administered under Article 88A, § 13A(b) of the Code;

9 (8) a State's Attorney of a county or Baltimore City, or an employee of an
10 office of a State's Attorney;

11 (9) a member of a board of license commissioners of a county or
12 Baltimore City appointed under the provisions of Article 2B of the Code, or an
13 employee of a board of license commissioners;

14 (10) a member of a board of supervisors of elections of a county or
15 Baltimore City, or an employee of a board of supervisors of elections;

16 (11) a judge of a circuit court of a county or Baltimore City, or an employee
17 of a circuit court;

18 (12) a judge of an orphans' court of a county or Baltimore City, or an
19 employee of an orphans' court;

20 (13) to the extent of a nonprofit organization's activities as a third party
21 payee, and to the extent the nonprofit organization has no other insurance for this
22 purpose, a nonprofit organization that has been approved by the Department of
23 Human Resources or its designee to serve as a third party payee for purposes of
24 providing temporary cash assistance, transitional assistance, or child-specific
25 benefits to Family Investment Program recipients; [or]

26 (14) a student, faculty, or staff member of an institution of higher
27 education who is providing a service under the Family Investment Program in
28 accordance with the provisions of Article 88A, § 47 or § 53 of the Code; OR

29 (15) AN INDIVIDUAL ~~OR ORGANIZATION~~ WHO:

30 (I) IS CERTIFIED TO PROVIDE A FIREARMS SAFETY TRAINING
31 COURSE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 41, § 4-201(D-1) OF THE
32 CODE BY:

33 1. THE POLICE TRAINING COMMISSION;

34 2. THE DEPARTMENT OF NATURAL RESOURCES; OR

35 3. THE DEPARTMENT OF STATE POLICE; AND

1 (II) IS PROVIDING A FIREARMS SAFETY TRAINING COURSE IN
2 ACCORDANCE WITH THE PROVISIONS OF ARTICLE 41, § 4-201(D-1) OF THE CODE.

3 (b) In this subtitle, a unit of the State government includes the Montgomery
4 County government to the extent that Montgomery County administers a State
5 program under Article 88A, § 13A(b) of the Code.

6 12-104.

7 (a) (1) Subject to the exclusions and limitations in this subtitle and
8 notwithstanding any other provision of law, the immunity of the State and of its units
9 is waived as to a tort action, in a court of the State, to the extent provided under
10 paragraph (2) of this subsection.

11 (2) The liability of the State and its units may not exceed \$200,000 to a
12 single claimant for injuries arising from a single incident or occurrence.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect October 1, 2002.