

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

House Bill 1377

(Delegates Kelly and O'Donnell)

Judiciary

Judicial Proceedings

Dangerous Weapons - Minors - Pepper Mace

This bill repeals the current prohibition on a minor possessing pepper mace. It further provides that it is the intent of the General Assembly that schools and school boards may establish policies to limit or prohibit pepper mace on school property.

Fiscal Summary

State Effect: This bill is not expected to significantly affect the operations or finances of State law enforcement, the Judiciary, or corrections.

Local Effect: This bill is not expected to significantly affect operations or finances of law enforcement, the Judiciary, or corrections.

Small Business Effect: None.

Analysis

Current Law: Pepper mace means an aerosol propelled combination of highly disabling irritant pepper-based products. It is also known as oleoresin capsicum (o.c.) spray and is considered a “weapon” under Maryland’s criminal code.

A person may not wear or carry a dangerous weapon, chemical mace, pepper mace, or a tear gas device openly with the intent or purpose of injuring an individual in an unlawful manner. A minor may not possess pepper mace, either openly or concealed. Subject to a certain judicial determination based on the evidence in the case, an exception is granted

to an individual who carries the weapon as a reasonable precaution against apprehended danger.

A person who violates the prohibition against possession of pepper spray by a minor is guilty of a misdemeanor and is subject to maximum penalties of a fine of \$1,000 and/or imprisonment for three years.

Background: According to the Maryland State Department of Education (MSDE), this bill stems from an incident in Baltimore County where a student was suspended for carrying mace for self-defense. The student was subsequently reinstated by action of the local school board.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State's Attorneys' Association, Department of Juvenile Justice, Judiciary (Administrative Office of the Courts), Maryland State Department of Education, Department of Legislative Services

Fiscal Note History: First Reader - March 15, 2002
lc/cer Revised - House Third Reader - April 1, 2002

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