

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 813

(Senator Mooney, *et al.*)

Judicial Proceedings

Regulated Firearms - Correctional Officers - Exemption from Age Requirement

This bill exempts State correctional officers, while acting within the scope of official duties, from the prohibition against possession of regulated firearms by persons under the age of 21.

Fiscal Summary

State Effect: None. The bill's provisions would have a negligible effect on State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person who is under the age of 21 may not possess a regulated firearm or ammunition solely designed for a regulated firearm. Unless a person is otherwise prohibited from possessing a regulated firearm, this does not apply to:

- the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is: (1) under the supervision of another who is at least 21 years old and who is not prohibited by State or federal law from possessing a firearm; and (2) acting with the permission of the parent or legal guardian of the transferee or person in possession;
- the transfer by inheritance of title, and not of possession, of a regulated firearm;

- a member of the armed forces of the United States or the National Guard while performing official duties;
- the temporary transfer or possession of a regulated firearm or ammunition solely designed for a regulated firearm if the person is participating in marksmanship training of a recognized organization and under the supervision of a qualified instructor;
- a person who is required to possess a regulated firearm for employment and who holds a legal permit; or
- the possession of a firearm or ammunition for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

Background: All State correctional facilities have established a “firearms cadre,” which is comprised of approximately 33% of certain ranking correctional officers in each facility. Effective January 1, 2005, firearms training was eliminated from the entrance level training program for correctional officers (regardless of age).

Assignment to each firearms cadre is done on a voluntary basis from second level correctional officers and sergeants who have received at least a satisfactory performance evaluation (“meets standards”). Selection is made based on seniority within rank, with the most senior being selected first. If there is an insufficient number of officers to fill the needs of the cadre, a draft is made from among the remaining second level correctional officers and sergeants. A draft selection is also based on seniority within rank.

By regulations of the Correctional Training Commission, any correctional officer authorized to carry a firearm is required to complete the appropriate firearms training offered by the commission.

The Division of Correction employs very few, if any, correctional officers under the age of 21. It is not expected that many, if any, of these officers would be asked to volunteer for the firearms cadre, or to be drafted.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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mp/jr

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