

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**

House Bill 3 (Delegate Conaway)  
Economic Matters

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**Business Regulation - Employees Who Carry Firearms - Protective Body Armor**

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This bill requires an employer that requires an employee to carry a “firearm” loaded with live rounds to provide “protective body armor” to that employee.

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**Fiscal Summary**

**State Effect:** None. Sworn police officers of the State already are provided with protective body armor.

**Local Effect:** None. Local law enforcement agencies provide protective body armor to officers with State grant funds.

**Small Business Effect:** Potential meaningful. While it is unknown how many small business employers in the State require one or more employees to carry a loaded firearm, the bill could result in a meaningful new cost to do business.

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**Analysis**

**Current Law:** “Protective body armor” means a vest or similar article that is:

- designed to be worn on the body to protect against blunt force trauma associated with the impact of a firearm projectile; and
- manufactured of bullet resistant fabric that conforms to applicable, current National Institute of Justice standards and V-50 ballistic testing requirements.

“Firearm” means a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive, or the frame or receiver of such a weapon. The term includes a starter gun.

Maryland law mandates that all persons with a prior conviction for a crime of violence or a drug trafficking crime are prohibited from using, possessing, or purchasing bulletproof body armor without a permit issued by the Secretary of the State Police.

The Protective Body Armor Fund is administered by the Governor’s Office of Crime Control and Protection (GOCCP) to provide general fund grants to local law enforcement agencies to (1) acquire protective body armor for each police officer of the local law enforcement agency; and (2) replace protective body armor at least every 10 years, or sooner if testing indicates a need for replacement.

The fund consists of money appropriated in the State budget to the fund. The Governor’s proposed fiscal 2001 budget includes \$49,088 for the grant program. As authorized by GOCCP, the Treasurer must make payments out of the fund to local law enforcement agencies. A local law enforcement agency may use State money provided from the fund only to purchase or replace protective body armor. A single grant may not initially exceed 10% of the total money budgeted in the fund for any fiscal year.

In accordance with the State budget, grants to local law enforcement agencies are made based on the comparative needs of each local law enforcement agency as determined by the following criteria:

- the number of violent crime incidents committed within the jurisdiction of the local law enforcement agency for the last two years;
- the current number of sworn officers;
- the current number of sworn officers not assigned protective body armor;
- the number and age of protective body armor units currently in use by the local law enforcement agency;
- the number of protective body armor units requested for officers not currently assigned protective body armor and for officers assigned protective body armor in need of replacement due to age or wear;
- the regulations of the local law enforcement agency that relate to the use of protective body armor;
- the local law enforcement agency’s budget request for supplies and equipment for the current and last two fiscal years; and
- any other information that GOCCP considers necessary to make grants for protective body armor.

After the initial allocation of money, GOCCP may distribute any money remaining in the fund on an equitable basis, as determined by the same criteria. GOCCP has established procedures for local law enforcement agencies to apply for money from the fund.

Chapter 462 of 2005 authorized the distribution of money in the Protective Body Armor Fund to the Division of Parole and Probation (in the Department of Public Safety and Correctional Services) for the acquisition of protective body armor for its agents. Such an allocation is permissible only after required and permitted allocations are made under current law to eligible local law enforcement agencies.

It is noted that GOCCP also administers the federal Bullet Proof Vest Program, which largely mirrors the State's program.

**Small Business Effect:** According to the Maryland State Police, the cost of protective body armor, at a minimum level described under the bill, can range from about \$405 to \$2,400 per unit. The standard issue body armor vest issued to State troopers costs \$405 per vest.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Labor, Licensing, and Regulation; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2010  
mam/mcr

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