

# HOUSE BILL 395

E4

3lr1263

---

By: **Delegates McDermott, Hough, K. Kelly, McComas, Parrott, and Smigiel**  
Introduced and read first time: January 25, 2013  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Handguns – Permit Qualifications and Carrying on School Property – School**  
3 **Guardians**

4 FOR the purpose of requiring the Secretary of State Police to issue a handgun permit  
5 to a person who is otherwise qualified and who has been designated as a school  
6 guardian under certain provisions of law; creating an exception to the  
7 prohibition against carrying a deadly weapon on public school property for a  
8 person who has been designated as a school guardian and who has been issued  
9 a handgun permit; authorizing county superintendents and the Chief Executive  
10 Officer of the Baltimore City Board of School Commissioners to designate an  
11 individual working within a school as a school guardian who may carry a  
12 handgun on school property if the person is otherwise qualified to be issued a  
13 handgun permit; and generally relating to school guardians, handgun permits,  
14 and carrying deadly weapons on school property.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 4–102  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2012 Supplement)

20 BY adding to  
21 Article – Education  
22 Section 4–205(n)  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Education  
27 Section 4–304(b)  
28 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (2008 Replacement Volume and 2012 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Public Safety  
4 Section 5–306  
5 Annotated Code of Maryland  
6 (2011 Replacement Volume and 2012 Supplement)

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

9 **Article – Criminal Law**

10 4–102.

11 (a) This section does not apply to:

12 (1) a law enforcement officer in the regular course of the officer’s duty;

13 (2) a person hired by a county board of education specifically for the  
14 purpose of guarding public school property;

15 **(3) A PERSON DESIGNATED AS A SCHOOL GUARDIAN UNDER §**  
16 **4–205(N) OR § 4–304(B) OF THE EDUCATION ARTICLE AND WHO HAS BEEN**  
17 **ISSUED A HANDGUN PERMIT UNDER § 5–306 OF THE PUBLIC SAFETY ARTICLE;**

18 **[(3)] (4)** a person engaged in organized shooting activity for  
19 educational purposes; or

20 **[(4)] (5)** a person who, with a written invitation from the school  
21 principal, displays or engages in a historical demonstration using a weapon or a  
22 replica of a weapon for educational purposes.

23 (b) A person may not carry or possess a firearm, knife, or deadly weapon of  
24 any kind on public school property.

25 (c) (1) Except as provided in paragraph (2) of this subsection, a person  
26 who violates this section is guilty of a misdemeanor and on conviction is subject to  
27 imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

28 (2) A person who is convicted of carrying or possessing a handgun in  
29 violation of this section shall be sentenced under Subtitle 2 of this title.

30 **Article – Education**

31 4–205.

1           **(N) THE COUNTY SUPERINTENDENT MAY DESIGNATE AN INDIVIDUAL**  
2 **WORKING WITHIN A SCHOOL AS A SCHOOL GUARDIAN WHO MAY CARRY A**  
3 **HANDGUN ON SCHOOL PROPERTY IF THE INDIVIDUAL IS OTHERWISE QUALIFIED**  
4 **TO BE ISSUED A HANDGUN PERMIT UNDER § 5-306 OF THE PUBLIC SAFETY**  
5 **ARTICLE.**

6 4-304.

7           **(b) (1)** The Chief Executive Officer shall:

8                   **[(1) (I)]** Be responsible for the overall administration of the  
9 Baltimore City Public School System;

10                   **[(2) (II)]** Report directly to the board;

11                   **[(3) (III)]** Be a member of the cabinet of the Mayor; and

12                   **[(4) (IV)]** Designate individuals with primary responsibility for each of  
13 the following functions:

14                           **[(i)] 1.** Management and administration of the Baltimore  
15 City Public School System;

16                           **[(ii)] 2.** Assessment and accountability of the academic  
17 performance of the students in the Baltimore City Public School System;

18                           **[(iii)] 3.** Provision of services to students with disabilities in  
19 accordance with federal and State law;

20                           **[(iv)] 4.** Development and implementation of initiatives for  
21 educational reform; and

22                           **[(v)] 5.** Professional hiring and development.

23           **(2) THE CHIEF EXECUTIVE OFFICER MAY DESIGNATE AN**  
24 **INDIVIDUAL WORKING WITHIN A SCHOOL AS A SCHOOL GUARDIAN WHO MAY**  
25 **CARRY A HANDGUN ON SCHOOL PROPERTY IF THE INDIVIDUAL IS OTHERWISE**  
26 **QUALIFIED TO BE ISSUED A HANDGUN PERMIT UNDER § 5-306 OF THE PUBLIC**  
27 **SAFETY ARTICLE.**

28   **Article – Public Safety**

29 5-306.

1 (a) Subject to subsection (b) of this section, the Secretary shall issue a permit  
2 within a reasonable time to a person who the Secretary finds:

3 (1) is an adult;

4 (2) (i) has not been convicted of a felony or of a misdemeanor for  
5 which a sentence of imprisonment for more than 1 year has been imposed; or

6 (ii) if convicted of a crime described in item (i) of this item, has  
7 been pardoned or has been granted relief under 18 U.S.C. § 925(c);

8 (3) has not been convicted of a crime involving the possession, use, or  
9 distribution of a controlled dangerous substance;

10 (4) is not presently an alcoholic, addict, or habitual user of a controlled  
11 dangerous substance unless the habitual use of the controlled dangerous substance is  
12 under legitimate medical direction; and

13 (5) based on an investigation:

14 (i) has not exhibited a propensity for violence or instability that  
15 may reasonably render the person's possession of a handgun a danger to the person or  
16 to another; and

17 (ii) 1. has good and substantial reason to wear, carry, or  
18 transport a handgun, such as a finding that the permit is necessary as a reasonable  
19 precaution against apprehended danger; **OR**

20 2. **HAS BEEN DESIGNATED AS A SCHOOL GUARDIAN**  
21 **UNDER § 4-205(N) OR § 4-304(B) OF THE EDUCATION ARTICLE.**

22 (b) An applicant under the age of 30 years is qualified only if the Secretary  
23 finds that the applicant has not been:

24 (1) committed to a detention, training, or correctional institution for  
25 juveniles for longer than 1 year after an adjudication of delinquency by a juvenile  
26 court; or

27 (2) adjudicated delinquent by a juvenile court for:

28 (i) an act that would be a crime of violence if committed by an  
29 adult;

30 (ii) an act that would be a felony in this State if committed by  
31 an adult; or

1                   (iii) an act that would be a misdemeanor in this State that  
2 carries a statutory penalty of more than 2 years if committed by an adult.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2013.