SENATE BILL 533

 $\mathbf{E4}$

3lr2207 CF HB 436

By: Senators Jacobs, Brinkley, Colburn, Glassman, Pipkin, and Reilly Introduced and read first time: January 31, 2013 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

Handguns - School Employees - Handgun Permits and Carrying Weapons on School Property

4 FOR the purpose of authorizing a county board to authorize school employees in the $\mathbf{5}$ county board's school system to carry a handgun on school property under 6 certain circumstances; requiring the Secretary of State Police to issue a 7 handgun permit to a person who is otherwise qualified and who is a school 8 employee in a certain school system; creating an exception to the prohibition 9 against carrying a deadly weapon on public school property for a school employee authorized to carry a handgun by the county board and who has been 10 issued a handgun permit under certain circumstances; and generally relating to 11 12school employees, handgun permits, and carrying weapons on school property.

- 13 BY repealing and reenacting, with amendments,
- 14 Article Criminal Law
- 15 Section 4–102
- 16 Annotated Code of Maryland
- 17 (2012 Replacement Volume and 2012 Supplement)
- 18 BY adding to
- 19 Article Education
- 20 Section 3–104(c)
- 21 Annotated Code of Maryland
- 22 (2008 Replacement Volume and 2012 Supplement)
- 23 BY repealing and reenacting, with amendments,
- 24 Article Public Safety
- 25 Section 5–306
- 26 Annotated Code of Maryland
- 27 (2011 Replacement Volume and 2012 Supplement)

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



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$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:			
3	Article – Criminal Law			
4	4–102.			
5	(a) This section does not apply to:			
6	(1) a law enforcement officer in the regular course of the officer's duty;			
7 8	(2) a person hired by a county board of education specifically for the purpose of guarding public school property;			
9 10 11 12 13	(3) A SCHOOL EMPLOYEE WHO IS AUTHORIZED TO CARRY A HANDGUN BY A COUNTY SCHOOL BOARD UNDER § 3–104(C) OF THE EDUCATION ARTICLE AND WHO HAS BEEN ISSUED A HANDGUN PERMIT UNDER § 5–306 OF THE PUBLIC SAFETY ARTICLE IF THE PERSON HAS THE WEAPON SECURED ON THE PERSON'S BODY;			
$\begin{array}{c} 14 \\ 15 \end{array}$	(4) a person engaged in organized shooting activity for educational purposes; or			
16 17 18	[(4)] (5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.			
$\begin{array}{c} 19\\ 20 \end{array}$	(b) A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.			
21 22 23	(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.			
$\begin{array}{c} 24 \\ 25 \end{array}$	(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.			
26	Article – Education			
27	3–104.			
28 29 30	(C) (1) A COUNTY BOARD MAY AUTHORIZE SCHOOL EMPLOYEES IN THE COUNTY BOARD'S SCHOOL SYSTEM TO CARRY A HANDGUN ON SCHOOL PROPERTY.			

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1 A SCHOOL EMPLOYEE MAY CARRY A HANDGUN ON SCHOOL (2) $\mathbf{2}$ **PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE HANDGUN** 3 IS SECURED ON THE PERSON'S BODY. 4 Article – Public Safety 5 - 306. $\mathbf{5}$ 6 Subject to subsection (b) of this section, the Secretary shall issue a permit (a) 7 within a reasonable time to a person who the Secretary finds: 8 (1)is an adult; 9 (2)has not been convicted of a felony or of a misdemeanor for (i) which a sentence of imprisonment for more than 1 year has been imposed; or 10 11 (ii) if convicted of a crime described in item (i) of this item, has 12been pardoned or has been granted relief under 18 U.S.C. § 925(c); 13 (3)has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance; 1415(4)is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is 16 17under legitimate medical direction; and 18(5)based on an investigation: 19 has not exhibited a propensity for violence or instability that (i) 20may reasonably render the person's possession of a handgun a danger to the person or to another: and 2122has good and substantial reason to wear, carry, or (ii) 1. 23transport a handgun, such as a finding that the permit is necessary as a reasonable 24precaution against apprehended danger; OR 252. IS A SCHOOL EMPLOYEE IN A SCHOOL SYSTEM IN 26WHICH THE COUNTY SCHOOL BOARD HAS AUTHORIZED SCHOOL EMPLOYEES TO CARRY A HANDGUN UNDER § 3–104(C) OF THE EDUCATION ARTICLE. 2728(b) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been: 2930 committed to a detention, training, or correctional institution for (1)31juveniles for longer than 1 year after an adjudication of delinquency by a juvenile 32court; or

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1	(2)	adjud	icated delinquent by a juvenile court for:	
$2 \\ 3$	adult;	(i)	an act that would be a crime of violence if committed by an	
4 5	an adult; or	(ii)	an act that would be a felony in this State if committed by	
$\frac{6}{7}$	carries a statutory	(iii) penalt	an act that would be a misdemeanor in this State that ty of more than 2 years if committed by an adult.	
8 9	SECTION 2 October 1, 2013.	. AND	BE IT FURTHER ENACTED, That this Act shall take effect	