

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 611
Judiciary

(Delegate Impallaria, *et al.*)

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

This bill authorizes a county board of education (including Baltimore City) to authorize school employees in the local school system to carry a handgun on school property. A school employee may carry a handgun under this authorization only if the handgun is secured on the person's body. The bill creates an exception to the prohibition against carrying a deadly weapon on public school property for a person who has been authorized to carry a handgun by a county board and who has been issued a handgun permit by the Department of State Police (DSP) if the weapon is secured on the person's body. The bill also requires the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who is a school employee in a school system in which the county board has authorized school employees to carry a handgun; the bill does not require such a person to provide a good and substantial reason to wear, carry, or transport a handgun.

Fiscal Summary

State Effect: General fund revenues from handgun permit and renewal fees may increase, offset by an increase in general fund expenditures for DSP to process permit applications and renewals. The number of additional permit applications submitted to DSP as a result of the bill cannot be reliably estimated at this time.

Local Effect: The authority granted under the bill to county boards of education (including Baltimore City) can be utilized with existing budgeted resources. To the extent county boards utilize the authorization, local expenditures increase if school systems pay the handgun permit fees or purchase handguns for their employees. Potential increase in liability costs for insurance and potential litigation.

Small Business Effect: Minimal.

Analysis

Current Law:

Carrying a Deadly Weapon on School Property

A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$1,000. A person who is convicted of carrying or possessing a handgun in violation of this prohibition must be sentenced under the misdemeanor penalty provisions applicable to illegally wearing, carrying, or transporting a handgun.

This prohibition does not apply to:

- a law enforcement officer in the regular course of the officer's duty;
- an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that (1) the officer or retired officer is displaying the officer's or retired officer's badge or credential; (2) the weapon carried or possessed by the officer or the retired officer is concealed; and (3) the officer or retired officer is authorized to carry a concealed handgun in the State;
- a person hired by a county board of education specifically for the purpose of guarding public school property;
- a person engaged in organized shooting activity for educational purposes; or
- 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.

Handgun Permits

Generally, with certain exceptions, to be issued a permit to carry, wear, or transport a handgun by the Secretary of State Police, an applicant (1) must be 18 or older; (2) must not have been convicted of a felony or misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted, must have been pardoned or been granted relief under federal law; (3) must not have been convicted of a controlled dangerous substance violation and must not presently be an addict, a habitual user of a controlled dangerous substance, or an alcoholic; (4) must not exhibit a propensity for violence or

instability which may reasonably render possession of a handgun a danger to the applicant or another; (5) must have successfully completed, prior to application and each renewal, a specified firearms training course approved by the Secretary; (6) if younger than 30, must not have been committed to a facility for juveniles for longer than one year or adjudicated delinquent for a crime of violence, a felony, or a misdemeanor that carries a statutory penalty of more than two years; and (7) must have a good and substantial reason to wear, carry, or transport a handgun. “Good and substantial reason” includes a finding that the permit is necessary as a reasonable precaution against apprehended danger. The Secretary may limit the geographic area; circumstances; or times of day, week, month, or year in which a permit is effective.

A handgun permit application costs \$75; two years after the initial permit and every three years thereafter, a \$50 renewal fee is due. In addition, the applicant must pay for fingerprint-based federal and State criminal history background checks for initial applications and renewals. A permit expires on the last day of the holder’s birth month following two years after the date the permit is issued. A permit may be renewed for successive periods of three years each if, at the time of an application for renewal, the applicant possesses the qualifications for the issuance of a permit and pays the renewal fee.

A handgun permit applicant must successfully complete, prior to the application and each renewal, a firearms training course approved by the Secretary that includes (1) for an initial application, a minimum of 16 hours of instruction by a qualified handgun instructor, or 8 hours of instruction for a renewal application; (2) classroom instruction on State firearm law, home firearm safety, and handgun mechanisms and operation; and (3) a firearms qualification component that demonstrates the applicant’s proficiency and use of the firearm.

An applicant for a permit is not required to complete a certified firearms training course if the applicant:

- is a law enforcement officer or a person who is retired in good standing from service with a law enforcement agency of the United States, the State, or any local law enforcement agency in the State;
- is a member, retired member, or honorably discharged member of the U.S. Armed Forces or the National Guard;
- is a qualified handgun instructor; or
- has completed a firearms training course approved by the Secretary.

Background: Some local school systems have memorandums of understanding with local law enforcement agencies to have specially trained officers, known as school resource officers (SROs), in schools. There are 305 SROs in public schools statewide. These

officers are generally off-duty local law enforcement officers. Baltimore City schools employ 105 police officers.

Additional Information

Prior Introductions: HB 436 of 2013 received a hearing in the House Judiciary Committee, but not further action was taken. Its cross file, SB 533, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

Cross File: None.

Information Source(s): Baltimore, Charles, and Montgomery counties; Maryland State Department of Education; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2017
mm/lgc

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510