

# HOUSE BILL 725

E4  
HB 436/13 – JUD

6lr2627

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By: **Delegate Impallaria**

Introduced and read first time: February 5, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Handguns – School Employees – Handgun Permits and Carrying Weapons on**  
3 **School Property**

4 FOR the purpose of authorizing a county board to authorize school employees in the county  
5 board's school system to carry a handgun on school property under certain  
6 circumstances; requiring the Secretary of State Police to issue a handgun permit to  
7 a person who is otherwise qualified and who is a school employee in a certain school  
8 system; creating an exception to the prohibition against carrying a deadly weapon  
9 on public school property for a school employee authorized to carry a handgun by the  
10 county board and who has been issued a handgun permit under certain  
11 circumstances; and generally relating to school employees, handgun permits, and  
12 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 2015 Supplement)

18 BY adding to  
19 Article – Education  
20 Section 3–104(c)  
21 Annotated Code of Maryland  
22 (2014 Replacement Volume and 2015 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Public Safety  
25 Section 5–306(a)  
26 Annotated Code of Maryland  
27 (2011 Replacement Volume and 2015 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 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 (2) an off-duty law enforcement officer or a person who has retired as a law  
8 enforcement officer in good standing from a law enforcement agency of the United States,  
9 the State, or a local unit in the State who is a parent, guardian, or visitor of a student  
10 attending a school located on the public school property, provided that:

11 (i) the officer or retired officer is displaying the officer's or retired  
12 officer's badge or credential;

13 (ii) the weapon carried or possessed by the officer or retired officer is  
14 concealed; and

15 (iii) the officer or retired officer is authorized to carry a concealed  
16 handgun in the State;

17 (3) a person hired by a county board of education specifically for the  
18 purpose of guarding public school property;

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

21 (5) a person who, with a written invitation from the school principal,  
22 displays or engages in a historical demonstration using a weapon or a replica of a weapon  
23 for educational purposes; OR

24 **(6) A SCHOOL EMPLOYEE WHO IS AUTHORIZED TO CARRY A HANDGUN**  
25 **BY A COUNTY SCHOOL BOARD UNDER § 3–104(C) OF THE EDUCATION ARTICLE AND**  
26 **WHO HAS BEEN ISSUED A HANDGUN PERMIT UNDER § 5–306 OF THE PUBLIC SAFETY**  
27 **ARTICLE IF THE PERSON HAS THE WEAPON SECURED ON THE PERSON'S BODY.**

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

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

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

3 **Article – Education**

4 3–104.

5 (c) (1) A COUNTY BOARD MAY AUTHORIZE SCHOOL EMPLOYEES IN THE  
6 COUNTY BOARD’S SCHOOL SYSTEM TO CARRY A HANDGUN ON SCHOOL PROPERTY.

7 (2) A SCHOOL EMPLOYEE MAY CARRY A HANDGUN ON SCHOOL  
8 PROPERTY UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE HANDGUN IS  
9 SECURED ON THE PERSON’S BODY.

10 **Article – Public Safety**

11 5–306.

12 (a) Subject to subsection (c) of this section, the Secretary shall issue a permit  
13 within a reasonable time to a person who the Secretary finds:

14 (1) is an adult;

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

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

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

21 (4) is not presently an alcoholic, addict, or habitual user of a controlled  
22 dangerous substance unless the habitual use of the controlled dangerous substance is under  
23 legitimate medical direction;

24 (5) except as provided in subsection (b) of this section, has successfully  
25 completed prior to application and each renewal, a firearms training course approved by  
26 the Secretary that includes:

27 (i) 1. for an initial application, a minimum of 16 hours of  
28 instruction by a qualified handgun instructor; or

29 2. for a renewal application, 8 hours of instruction by a  
30 qualified handgun instructor;

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1 (ii) classroom instruction on:

2 1. State firearm law;

3 2. home firearm safety; and

4 3. handgun mechanisms and operation; and

5 (iii) a firearms qualification component that demonstrates the  
6 applicant's proficiency and use of the firearm; and

7 (6) based on an investigation:

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

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

14 **2. IS A SCHOOL EMPLOYEE IN A SCHOOL SYSTEM IN**  
15 **WHICH THE COUNTY SCHOOL BOARD HAS AUTHORIZED SCHOOL EMPLOYEES TO**  
16 **CARRY A HANDGUN UNDER § 3-104(C) OF THE EDUCATION ARTICLE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2016.