

HOUSE BILL 1422

E4

2lr3239

By: **Delegates McDermott, Cluster, and Smigiel**

Introduced and read first time: March 1, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers – Separation from Service – Retirement**
3 **Credentials**

4 FOR the purpose of providing that a qualified retired law enforcement officer retains a
5 certain rank and receives a retired law enforcement photographic identification
6 card from a certain law enforcement agency under certain circumstances;
7 authorizing a qualified retired law enforcement officer to wear, carry, or
8 transport a handgun under certain circumstances; requiring each law
9 enforcement agency in the State to adopt certain written policies relating to
10 retired law enforcement photographic identification cards; creating an exception
11 to the prohibition against wearing, carrying, or transporting a handgun for a
12 qualified retired law enforcement officer; defining a certain term; and generally
13 relating to qualified retired law enforcement officers.

14 BY adding to
15 Article – Public Safety
16 Section 3–114
17 Annotated Code of Maryland
18 (2011 Replacement Volume)

19 BY repealing and reenacting, without amendments,
20 Article – Criminal Law
21 Section 4–203(a)
22 Annotated Code of Maryland
23 (2002 Volume and 2011 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Criminal Law
26 Section 4–203(b)(8) and (9)
27 Annotated Code of Maryland
28 (2002 Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Criminal Law
3 Section 4–203(b)(10)
4 Annotated Code of Maryland
5 (2002 Volume and 2011 Supplement)

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

8 **Article – Public Safety**

9 **3–114.**

10 **(A) IN THIS SECTION, “QUALIFIED RETIRED LAW ENFORCEMENT**
11 **OFFICER” MEANS A LAW ENFORCEMENT OFFICER WHO:**

12 **(1) WAS SEPARATED FROM SERVICE FROM A LAW ENFORCEMENT**
13 **AGENCY FOR A REASON OTHER THAN:**

14 **(I) DISMISSAL BY A LAW ENFORCEMENT AGENCY UNDER §**
15 **3–104 OF THIS SUBTITLE; OR**

16 **(II) A FINDING OF GUILT UNDER § 3–108 OF THIS SUBTITLE;**

17 **(2) HAS VESTED RETIREMENT BENEFITS FROM THE LAW**
18 **ENFORCEMENT AGENCY; AND**

19 **(3) HAS MET, AT THE EXPENSE OF THE LAW ENFORCEMENT**
20 **OFFICER, THE STATE’S STANDARDS FOR TRAINING AND QUALIFICATION FOR**
21 **ACTIVE LAW ENFORCEMENT OFFICERS TO CARRY FIREARMS.**

22 **(B) ON SEPARATION FROM A LAW ENFORCEMENT AGENCY, A QUALIFIED**
23 **RETIRED LAW ENFORCEMENT OFFICER SHALL:**

24 **(1) RETAIN THE RANK THE LAW ENFORCEMENT OFFICER HELD**
25 **IMMEDIATELY PRIOR TO SEPARATION; AND**

26 **(2) RECEIVE A RETIRED LAW ENFORCEMENT PHOTOGRAPHIC**
27 **IDENTIFICATION CARD FROM THE LAW ENFORCEMENT AGENCY THAT**
28 **EMPLOYED THE QUALIFIED RETIRED LAW ENFORCEMENT OFFICER.**

29 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A QUALIFIED**
30 **RETIRED LAW ENFORCEMENT OFFICER MAY CARRY, WEAR, OR TRANSPORT A**

1 **HANDGUN, WHETHER CONCEALED OR OPEN, IF THE QUALIFIED RETIRED LAW**
2 **ENFORCEMENT OFFICER:**

3 **(1) IS CARRYING A RETIRED LAW ENFORCEMENT PHOTOGRAPHIC**
4 **IDENTIFICATION CARD; AND**

5 **(2) IS NOT UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.**

6 **(D) EACH LAW ENFORCEMENT AGENCY IN THE STATE SHALL ADOPT**
7 **WRITTEN POLICIES RELATING TO THE ISSUANCE, EXPIRATION, AND**
8 **REISSUANCE OF RETIRED LAW ENFORCEMENT PHOTOGRAPHIC IDENTIFICATION**
9 **CARDS THAT COMPLY WITH THE PROVISIONS OF THIS SECTION.**

10 **Article – Criminal Law**

11 4–203.

12 (a) (1) Except as provided in subsection (b) of this section, a person may
13 not:

14 (i) wear, carry, or transport a handgun, whether concealed or
15 open, on or about the person;

16 (ii) wear, carry, or knowingly transport a handgun, whether
17 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
18 public, highway, waterway, or airway of the State;

19 (iii) violate item (i) or (ii) of this paragraph while on public
20 school property in the State; or

21 (iv) violate item (i) or (ii) of this paragraph with the deliberate
22 purpose of injuring or killing another person.

23 (2) There is a rebuttable presumption that a person who transports a
24 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

25 (b) This section does not prohibit:

26 (8) the carrying or transporting of a signal pistol or other visual
27 distress signal approved by the United States Coast Guard in a vessel on the
28 waterways of the State or, if the signal pistol or other visual distress signal is
29 unloaded and carried in an enclosed case, in a vehicle; [or]

30 (9) the wearing, carrying, or transporting of a handgun by a person
31 who is carrying a court order requiring the surrender of the handgun, if:

- 1 (i) the handgun is unloaded;
- 2 (ii) the person has notified the law enforcement unit, barracks,
3 or station that the handgun is being transported in accordance with the court order;
4 and
- 5 (iii) the person transports the handgun directly to the law
6 enforcement unit, barracks, or station; **OR**

7 **(10) THE WEARING, CARRYING, OR TRANSPORTING OF A HANDGUN**
8 **BY A PERSON CARRYING A RETIRED LAW ENFORCEMENT PHOTOGRAPHIC**
9 **IDENTIFICATION CARD ISSUED UNDER § 3-114 OF THE PUBLIC SAFETY**
10 **ARTICLE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2012.