

HOUSE BILL 1724

E1, F2, E4

8lr3539

By: **Delegate Jalisi**

Introduced and read first time: February 19, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Gun-Free Higher Education Zones**

3 FOR the purpose of altering a certain exception relating to law enforcement officers to the
4 prohibition on carrying certain weapons on public school property; prohibiting the
5 carrying or possession of certain firearms on the property of public institutions of
6 higher education; providing for certain exceptions to the prohibition; establishing
7 certain penalties; requiring a public institution of higher education to post certain
8 signs at certain locations; requiring the Board of Regents for the University System
9 of Maryland to incorporate into their bylaws, policies, and procedures the current
10 weapons practice on their campuses; and generally relating to the carrying or
11 possession of firearms at public institutions of higher education.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 4–102
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2017 Supplement)

17 BY adding to
18 Article – Education
19 Section 15–123
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2017 Supplement)

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

24 **Article – Criminal Law**

25 4–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to:

2 (1) a law enforcement officer in the regular course of the officer's duty;

3 (2) an off-duty law enforcement officer or a person who has retired as a law
4 enforcement officer in good standing from a law enforcement agency of the United States,
5 the State, or a local unit in the State [who is a parent, guardian, or visitor of a student
6 attending a school located on the public school property], provided that:

7 (i) the officer or retired officer is [displaying] **IN POSSESSION OF**
8 the officer's or retired officer's badge or credential;

9 (ii) the weapon carried or possessed by the officer or retired officer is
10 concealed; and

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

13 (3) a person hired by a county board of education **OR A PUBLIC**
14 **INSTITUTION OF HIGHER EDUCATION** specifically for the purpose of guarding public
15 school **OR INSTITUTION** property;

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

18 (5) a person who, with a written invitation from the school principal **OR**
19 **THE PRESIDENT OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION**, displays or
20 engages in a historical demonstration using a weapon or a replica of a weapon for
21 educational purposes;

22 **(6) A PERSON CARRYING OR POSSESSING A FIREARM ON THE**
23 **PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO IS REQUIRED OR**
24 **AUTHORIZED BY POLICIES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO**
25 **POSSESS A FIREARM;**

26 **(7) AN EMPLOYEE OF AN ARMORED CAR COMPANY WHO IS:**

27 **(I) AUTHORIZED TO CARRY A FIREARM IN THE STATE IN THE**
28 **REGULAR COURSE OF EMPLOYMENT; AND**

29 **(II) CARRYING OR POSSESSING A FIREARM ON THE PROPERTY**
30 **OF A PUBLIC INSTITUTION OF HIGHER EDUCATION;**

31 **(8) THE AREA SURROUNDING A BUILDING OWNED OR OPERATED BY A**
32 **PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSE OF STUDENT**

1 HOUSING, TEACHING, RESEARCH, OR ADMINISTRATION, IF:

2 (I) THE AREA IS NOT LOCATED OTHERWISE ON A CAMPUS OF A
3 PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

4 (II) THE POSSESSION OF A FIREARM IN THE AREA IS NOT
5 OTHERWISE PROHIBITED BY LAW; OR

6 (9) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER
7 EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE
8 PROPERTY IS USED FOR STUDENT HOUSING.

9 (b) (1) A person may not carry or possess a firearm, knife, or deadly weapon of
10 any kind on public school property.

11 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
12 PERSON MAY NOT CARRY OR POSSESS A FIREARM ON THE PROPERTY OF A PUBLIC
13 INSTITUTION OF HIGHER EDUCATION.

14 (3) A PERSON MAY NOT KNOWINGLY CARRY OR POSSESS A FIREARM
15 ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IF THE
16 PERSON WAS PREVIOUSLY FOUND GUILTY OF A VIOLATION OF PARAGRAPH (2) OF
17 THIS SUBSECTION.

18 (c) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this
19 subsection, a person who violates this section is guilty of a misdemeanor and on conviction
20 is subject to imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

21 (2) A person who is convicted of carrying or possessing a handgun ON
22 PUBLIC SCHOOL PROPERTY in violation of this section shall be sentenced under Subtitle
23 2 of this title.

24 (3) (I) A FINDING OF GUILT UNDER SUBSECTION (B)(2) OF THIS
25 SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE OF \$2,500.

26 (II) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS
27 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO
28 IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR
29 BOTH.

30 Article – Education

31 15–123.

1 **A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST SIGNS IN**
2 **PROMINENT LOCATIONS ON THE PROPERTY OF THE PUBLIC INSTITUTION OF**
3 **HIGHER EDUCATION, INCLUDING AT ENTRANCES TO AND EXITS FROM THE**
4 **PROPERTY, DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 4-102(B)(2)**
5 **OF THE CRIMINAL LAW ARTICLE PROHIBITING THE POSSESSION OF FIREARMS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Regents for the
7 University System of Maryland shall incorporate into their bylaws, policies, and procedures
8 the current weapons practice on their campuses.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2018.