

HOUSE BILL 904

E1, F2, E4
HB 159/17 – APP

8lr0549

By: Delegates B. Barnes, D. Barnes, Ebersole, Fennell, Frick, Frush, Gilchrist,
Jackson, Korman, Lafferty, McIntosh, Moon, Pena–Melnyk, Robinson,
Sanchez, Tarlau, Valderrama, and A. Washington

Introduced and read first time: February 5, 2018

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 25, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~Weapon-Free~~ 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 Secretary of State Police to issue a certain
9 letter to a certain applicant under certain circumstances; requiring the Board of
10 Regents for the University System of Maryland to incorporate into its bylaws,
11 policies, and procedures the current weapons practice on the System's campuses; and
12 generally relating to the carrying or possession of firearms at public institutions of
13 higher education.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 4–102
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2017 Supplement)

19 BY adding to
20 Article – Education
21 Section 15–123

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2017 Supplement)

3 BY adding to
4 Article – Public Safety
5 Section 5–306(e)
6 Annotated Code of Maryland
7 (2011 Replacement Volume and 2017 Supplement)

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

10 **Article – Criminal Law**

11 4–102.

12 (a) This section does not apply to:

13 (1) a law enforcement officer in the regular course of the officer’s duty;

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

18 (i) the officer or retired officer is [displaying] **IN POSSESSION OF**
19 the officer’s or retired officer’s badge or credential;

20 (ii) the weapon carried or possessed by the officer or retired officer is
21 concealed; and

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

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

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

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

1 **(6) A PERSON CARRYING OR POSSESSING A FIREARM ON THE**
2 **PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO IS REQUIRED OR**
3 **AUTHORIZED BY POLICIES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO**
4 **POSSESS A FIREARM; ~~OR~~**

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

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

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

10 **(8) THE AREA SURROUNDING A BUILDING OWNED OR OPERATED BY A**
11 **PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSE OF STUDENT**
12 **HOUSING, TEACHING, RESEARCH, OR ADMINISTRATION, IF:**

13 **(I) THE AREA IS NOT LOCATED OTHERWISE ON A CAMPUS OF A**
14 **PUBLIC INSTITUTION OF HIGHER EDUCATION; AND**

15 **(II) THE POSSESSION OF A FIREARM IN THE AREA IS NOT**
16 **OTHERWISE PROHIBITED BY LAW; ~~OR~~**

17 **(9) A PERSON ISSUED:**

18 **(I) A PERMIT UNDER TITLE 5, SUBTITLE 3 OF THE PUBLIC**
19 **SAFETY ARTICLE TO CARRY, WEAR, OR TRANSPORT A HANDGUN IN THE STATE; AND**

20 **(II) A LETTER FROM THE SECRETARY OF STATE POLICE**
21 **DESCRIBED IN § 5-306(E) OF THE PUBLIC SAFETY ARTICLE; OR**

22 **~~(7) (9) (10)~~ PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER**
23 **EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE**
24 **PROPERTY IS USED FOR STUDENT HOUSING.**

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

27 **(2) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
28 **A PERSON MAY NOT CARRY OR POSSESS A FIREARM ON THE PROPERTY OF A PUBLIC**
29 **INSTITUTION OF HIGHER EDUCATION.**

30 **(3) A PERSON MAY NOT KNOWINGLY CARRY OR POSSESS A FIREARM**
31 **ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IF THE**

1 PERSON WAS PREVIOUSLY FOUND GUILTY OF A VIOLATION OF PARAGRAPH (2) OF
 2 THIS SUBSECTION.

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

6 (2) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
 7 A person who is convicted of carrying or possessing a handgun in violation of this section
 8 shall be sentenced under Subtitle 2 of this title.

9 (3) (I) A VIOLATION OF SUBSECTION (B)(2) OF THIS SECTION IS A
 10 CIVIL OFFENSE PUNISHABLE BY A FINE OF \$2,500.

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

15 **Article – Education**

16 **15–123.**

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

22 **Article – Public Safety**

23 **5–306.**

24 **(E) ON REQUEST OF AN APPLICANT TO WHOM THE SECRETARY HAS ISSUED**
 25 **A PERMIT UNDER THIS SECTION ON THE GROUNDS THAT THE APPLICANT HAS**
 26 **OBJECTIVELY ESTABLISHED THAT THE APPLICANT’S LIFE IS IN DANGER OR THAT**
 27 **THE APPLICANT IS BEING TARGETED BY INDIVIDUALS WISHING TO DO THE**
 28 **APPLICANT HARM, THE SECRETARY SHALL ISSUE A LETTER TO THE APPLICANT**
 29 **AFFIRMING THAT THE PERMIT HAS BEEN ISSUED FOR THOSE REASONS.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Regents for the
 31 University System of Maryland shall incorporate into its bylaws, policies, and procedures
 32 the current weapons practice on the System’s campuses.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.