

HOUSE BILL 159

E1, F2, E4
HB 1002/16 – APP

7lr1184
CF 7lr1982

By: **Delegates B. Barnes, D. Barnes, Anderson, Busch, Conaway, Ebersole, Fennell, Frick, Frush, Gilchrist, Hill, Hixson, C. Howard, Jackson, Kelly, Korman, Krimm, Lafferty, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Pena–Melnyk, Platt, Reznik, Robinson, Sanchez, Tarlau, Valderrama, Waldstreicher, A. Washington, M. Washington, and P. Young**

Introduced and read first time: January 19, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Weapon–Free Higher Education Zones**

3 FOR the purpose of prohibiting the carrying or possession of certain firearms on the
4 property of public institutions of higher education; providing for certain exceptions
5 to the prohibition; requiring a public institution of higher education to post certain
6 signs at certain locations; and generally relating to the carrying or possession of
7 firearms at public institutions of higher education.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 4–102
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2016 Supplement)

13 BY adding to
14 Article – Education
15 Section 15–121
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2016 Supplement)

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

20 **Article – Criminal Law**

21 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 **OR ON THE PROPERTY OF A**
7 **PUBLIC INSTITUTION OF HIGHER EDUCATION**, provided that:

8 (i) the officer or retired officer is displaying the officer's or retired
9 officer's badge or credential;

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

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

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

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

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

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

27 **(7) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER**
28 **EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE**
29 **PROPERTY IS USED FOR STUDENT HOUSING.**

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

32 **(2) A PERSON MAY NOT CARRY OR POSSESS A FIREARM ON THE**
33 **PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION.**

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

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

6 **Article – Education**

7 **15–121.**

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2017.