

**HB0159/228373/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 159  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Weapon-Free” and substitute “Gun-Free”; in line 4, after “carrying” insert “or possessing”; in lines 6 and 7, strike “; requiring a public institution of higher education to post certain signs at certain locations” and substitute “on carrying or possessing a firearm on the property of an institution of higher education; providing that a certain violation is a civil offense punishable by a certain fine; requiring a law enforcement officer to issue a citation to a person who commits a certain violation; requiring a citation to contain certain information; prohibiting a certain person from prepaying a certain fine; requiring a certain case to be scheduled for trial; establishing certain procedures for a certain Code violation proceeding; authorizing the court to impose a certain fine and costs against a certain person and find the person is guilty of a Code violation; authorizing a defendant to appeal or file a certain motion; authorizing the State’s Attorney to prosecute a certain violation in a certain manner; providing that a person under a certain age who commits a certain violation is subject to certain procedures and dispositions”; in line 8, after “incorporate” insert “the current weapons practice on their campuses”; in lines 9 and 10, strike “, the current weapons practice on their campuses”; in lines 10 and 11, strike “at public institutions” and substitute “on the property of a public institution”; in line 18, strike “Education” and substitute “Criminal Law”; and in line 19, strike “15-121” and substitute “4-102.1”.

On page 2, in line 2, strike “(2014” and substitute “(2012”.

AMENDMENT NO. 2

On page 2, in line 32, strike “**OR**”.

On page 3, in line 1, after “**(7)**” insert “**AN EMPLOYEE OF AN ARMORED CAR COMPANY WHO IS:**”

(Over)

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

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

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

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

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

**(9)**;

in line 6, after “NOT” insert “**KNOWINGLY**”; in line 9, after “violates” insert “**SUBSECTION (B)(1) OF**”; in line 12, after the first “of” insert “**SUBSECTION (B)(1) OF**”; after line 12, insert:

**“(D) A PERSON WHO VIOLATES SUBSECTION (B)(2) THIS SECTION IS SUBJECT TO A CIVIL FINE NOT EXCEEDING \$1,000.”;**

strike in their entirety lines 13 through 19, inclusive, and substitute:

**“4-102.1.**

(A) A POLICE OFFICER SHALL ISSUE A CITATION TO A PERSON WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A VIOLATION OF § 4-102(B)(2) OF THIS SUBTITLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM OF A CITATION SHALL BE AS PRESCRIBED BY THE DISTRICT COURT AND SHALL BE UNIFORM THROUGHOUT THE STATE.

(2) A CITATION ISSUED FOR A VIOLATION OF § 4-102(B)(2) OF THIS SUBTITLE SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS NOT ALLOWED;

(VI) A NOTICE THAT THE DISTRICT COURT PROMPTLY SHALL SEND THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

(VII) THE SIGNATURE OF THE PERSON ISSUING THE CITATION;

AND

(Over)

(VIII) A SPACE FOR THE PERSON CHARGED TO SIGN THE CITATION.

(C) (1) EXCEPT FOR A CITATION SUBJECT TO THE JURISDICTION OF A CIRCUIT COURT, THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(2) (I) THE DISTRICT COURT PROMPTLY SHALL SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(II) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO THE SUMMONS IS CONTEMPT OF COURT.

(D) (1) FOR PURPOSES OF THIS SECTION, A VIOLATION OF § 4-102(B)(2) OF THIS SUBTITLE IS A CODE VIOLATION AND IS A CIVIL OFFENSE.

(2) A PERSON CHARGED WHO IS AT LEAST 18 YEARS OLD SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

(3) ADJUDICATION OF A CODE VIOLATION UNDER § 4-102(B)(2) OF THIS SUBTITLE IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE, AND IT DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(E) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 4-102(B)(2) OF THIS SUBTITLE:

(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW FOR THE TRIAL OF CRIMINAL CAUSES, AND IN ANY SUCH PROCEEDING, THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CAUSES;

(2) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(3) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF IF THE DEFENDANT CHOOSES TO DO SO;

(4) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT;

(5) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

(I) GUILTY OF A CODE VIOLATION; OR

(II) NOT GUILTY OF A CODE VIOLATION; AND

(6) BEFORE RENDERING JUDGMENT, THE COURT MAY PLACE THE DEFENDANT ON PROBATION IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(Over)

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PAY A FINE NOT EXCEEDING \$1,000.

(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY NOT ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A CODE VIOLATION UNDER THIS PART.

(G) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE VIOLATION UNDER § 4-102(B)(2) OF THIS SUBTITLE AND A FINE HAS BEEN IMPOSED BY THE COURT:

(1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH; AND

(2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE IMPOSED BY THE COURT, THE WILLFUL FAILURE MAY BE TREATED AS A CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE PUNISHED BY THE COURT AS PROVIDED BY LAW.

(H) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(2) THE COURT COSTS IN A CODE VIOLATION CASE IN WHICH COSTS ARE IMPOSED ARE \$5.

(I) (1) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CODE VIOLATION UNDER § 4-102(B)(2) OF THIS SUBTITLE HAS THE RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(J) (1) THE STATE’S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THIS STATE.

(2) IN A CODE VIOLATION CASE, THE STATE’S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(K) A PERSON ISSUED A CITATION FOR A VIOLATION OF § 4-102(B)(2) OF THIS SUBTITLE WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.”;

in line 21, after “incorporate” insert “the current weapons practice on their campuses”;  
and in line 22, strike “the current weapons practice on their campuses”.