

SENATE BILL 1250

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8lr4042
CF HB 1807

By: **Senator Lee**

Introduced and read first time: March 5, 2018

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 9, 2018

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2018

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Threat of Mass Violence and Deadly Weapons on Public School**
3 **Property**

4 FOR the purpose of altering a certain prohibition relating to threatening to commit a
5 certain crime of violence so as to prohibit a person from knowingly threatening to
6 commit or threatening to cause to be committed a certain crime of violence that
7 would place a certain number of people at substantial risk of death or serious
8 physical injury if the threat were carried out; ~~prohibiting a person from knowingly~~
9 ~~threatening to commit or threatening to cause to be committed a certain crime of~~
10 ~~violence that would place a certain number of minors at substantial risk of death or~~
11 ~~serious physical injury if the threat were carried out; altering certain penalties~~
12 ~~relating to carrying and possessing a firearm on public school property; repealing~~
13 ~~certain prohibitions against wearing, carrying, or transporting a handgun in a~~
14 ~~certain manner while on public school property in the State; repealing certain~~
15 ~~defined terms; and generally relating to threats of mass violence and deadly weapons~~
16 ~~on public school property.~~

17 BY repealing and reenacting, with amendments,
18 Article – Criminal Law
19 Section 3-1001, ~~4-102, and 4-203~~
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2017 Supplement)

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

3 **Article – Criminal Law**

4 3–1001.

5 (a) [(1) In this section the following words have the meanings indicated.

6 (2) “Dwelling” has the meaning stated in § 6–201 of this article.

7 (3) “Public place” has the meaning stated in § 10–201 of this article.

8 (4) “Storehouse” has the meaning stated in § 6–201 of this article.

9 (b)] This section applies to a threat made by oral or written communication or
10 electronic mail, as defined in § 3–805(a) of this title.

11 [(c)] (B) A person may not knowingly threaten to commit or threaten to cause to
12 be committed a crime of violence, as defined in § 14–101 of this article, that would place
13 [others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as
14 defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat
15 is carried out, five or more people are:

16 (1) placed in reasonable fear that the crime will be committed;

17 (2) evacuated from a dwelling, storehouse, or public place;

18 (3) required to move to a designated area within a dwelling, storehouse, or
19 public place; or

20 (4) required to remain in a designated safe area within a dwelling,
21 storehouse, or public place] **IF THE THREAT WERE CARRIED OUT.**

22 ~~(c) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT OR THREATEN~~
23 ~~TO CAUSE TO BE COMMITTED A CRIME OF VIOLENCE, AS DEFINED IN § 14 101 OF~~
24 ~~THIS ARTICLE, THAT WOULD PLACE FIVE OR MORE MINORS AT SUBSTANTIAL RISK~~
25 ~~OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3 201 OF THIS TITLE, IF~~
26 ~~THE THREAT WERE CARRIED OUT.~~

27 ~~(d) (C) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
28 ~~SUBSECTION, A~~ person who violates this section is guilty of the misdemeanor of making a
29 threat of mass violence and on conviction is subject to imprisonment not exceeding ~~[10]~~ 5
30 years or a fine not exceeding \$10,000 or both.

1 (2) ~~A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS~~
 2 ~~GUILTY OF THE MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON~~
 3 ~~CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE~~
 4 ~~NOT EXCEEDING \$10,000 OR BOTH.~~

5 (3) In addition to the penalties provided in paragraph (1) ~~OR (2)~~ of this
 6 subsection, a court shall order a person convicted under this section to reimburse the
 7 appropriate unit of federal, State, or local government or other person for ANY expenses
 8 and losses incurred in responding to the unlawful threat unless the court states on the
 9 record the reasons why reimbursement would be inappropriate.

10 ~~(e)~~ (D) A person who violates this section may be indicted, prosecuted, tried,
 11 and convicted in any county where:

12 (1) the threat was received;

13 (2) the threat was made; or

14 (3) the consequences of the threat occurred.

15 ~~4-102.~~

16 ~~(a) This section does not apply to:~~

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

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

22 ~~(i) the officer or retired officer is displaying the officer's or retired~~
 23 ~~officer's badge or credential;~~

24 ~~(ii) the weapon carried or possessed by the officer or retired officer is~~
 25 ~~concealed; and~~

26 ~~(iii) the officer or retired officer is authorized to carry a concealed~~
 27 ~~handgun in the State;~~

28 ~~(3) a person hired by a county board of education specifically for the~~
 29 ~~purpose of guarding public school property;~~

30 ~~(4) a person engaged in organized shooting activity for educational~~
 31 ~~purposes; or~~

~~(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.~~

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

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

~~(2) A person who is convicted of carrying or possessing a [handgun] FIREARM in violation of this section [shall be sentenced under Subtitle 2 of this title] IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.~~

~~4-203.~~

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

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

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

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

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

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

~~(b) This section does not prohibit:~~

~~(1) the wearing, carrying, or transporting of a handgun by a person who is authorized at the time and under the circumstances to wear, carry, or transport the handgun as part of the person's official equipment, and is:~~

~~(i) a law enforcement official of the United States, the State, or a county or city of the State;~~

1 ~~(ii) a member of the armed forces of the United States or of the~~
2 ~~National Guard on duty or traveling to or from duty;~~

3 ~~(iii) a law enforcement official of another state or subdivision of~~
4 ~~another state temporarily in this State on official business;~~

5 ~~(iv) a correctional officer or warden of a correctional facility in the~~
6 ~~State;~~

7 ~~(v) a sheriff or full-time assistant or deputy sheriff of the State; or~~

8 ~~(vi) a temporary or part-time sheriff's deputy;~~

9 ~~(2) the wearing, carrying, or transporting of a handgun, in compliance with~~
10 ~~any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a~~
11 ~~permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3~~
12 ~~of the Public Safety Article;~~

13 ~~(3) the carrying of a handgun on the person or in a vehicle while the person~~
14 ~~is transporting the handgun to or from the place of legal purchase or sale, or to or from a~~
15 ~~bona fide repair shop, or between bona fide residences of the person, or between the bona~~
16 ~~fide residence and place of business of the person, if the business is operated and owned~~
17 ~~substantially by the person if each handgun is unloaded and carried in an enclosed case or~~
18 ~~an enclosed holster;~~

19 ~~(4) the wearing, carrying, or transporting by a person of a handgun used in~~
20 ~~connection with an organized military activity, a target shoot, formal or informal target~~
21 ~~practice, sport shooting event, hunting, a Department of Natural Resources sponsored~~
22 ~~firearms and hunter safety class, trapping, or a dog obedience training class or show, while~~
23 ~~the person is engaged in, on the way to, or returning from that activity if each handgun is~~
24 ~~unloaded and carried in an enclosed case or an enclosed holster;~~

25 ~~(5) the moving by a bona fide gun collector of part or all of the collector's~~
26 ~~gun collection from place to place for public or private exhibition if each handgun is~~
27 ~~unloaded and carried in an enclosed case or an enclosed holster;~~

28 ~~(6) the wearing, carrying, or transporting of a handgun by a person on real~~
29 ~~estate that the person owns or leases or where the person resides or within the confines of~~
30 ~~a business establishment that the person owns or leases;~~

31 ~~(7) the wearing, carrying, or transporting of a handgun by a supervisory~~
32 ~~employee:~~

33 ~~(i) in the course of employment;~~

34 ~~(ii) within the confines of the business establishment in which the~~
35 ~~supervisory employee is employed; and~~

1 ~~(iii) when so authorized by the owner or manager of the business~~
2 ~~establishment;~~

3 ~~(8) the carrying or transporting of a signal pistol or other visual distress~~
4 ~~signal approved by the United States Coast Guard in a vessel on the waterways of the State~~
5 ~~or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed~~
6 ~~case, in a vehicle; or~~

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

9 ~~(i) the handgun is unloaded;~~

10 ~~(ii) the person has notified the law enforcement unit, barracks, or~~
11 ~~station that the handgun is being transported in accordance with the court order; and~~

12 ~~(iii) the person transports the handgun directly to the law~~
13 ~~enforcement unit, barracks, or station.~~

14 ~~(e) (1) A person who violates this section is guilty of a misdemeanor and on~~
15 ~~conviction is subject to the penalties provided in this subsection.~~

16 ~~(2) If the person has not previously been convicted under this section,~~
17 ~~§ 4-204 of this subtitle, or § 4-101 or § 4-102 of this title[:~~

18 ~~(i) except as provided in item (ii) of this paragraph], the person is~~
19 ~~subject to imprisonment for not less than 30 days and not exceeding [3] 5 years or a fine of~~
20 ~~not less than \$250 and not exceeding \$2,500 or both[; or~~

21 ~~(ii) if the person violates subsection (a)(1)(iii) of this section, the~~
22 ~~person shall be sentenced to imprisonment for not less than 90 days].~~

23 ~~(3) (i) If the person has previously been convicted once under this~~
24 ~~section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title[:~~

25 ~~1. except as provided in item 2 of this subparagraph], the~~
26 ~~person is subject to imprisonment for not less than 1 year and not exceeding 10 years[; or~~

27 ~~2. if the person violates subsection (a)(1)(iii) of this section,~~
28 ~~the person is subject to imprisonment for not less than 3 years and not exceeding 10 years].~~

29 ~~(ii) The court may not impose less than the applicable minimum~~
30 ~~sentence provided under subparagraph (i) of this paragraph.~~

1 ~~(4) (i) If the person has previously been convicted more than once under~~
2 ~~this section, § 4-204 of this subtitle, or § 4-101 or § 4-102 of this title, or of any combination~~
3 ~~of these crimes:~~

4 ~~1. except as provided in item 2 of this subparagraph, the~~
5 ~~person is subject to imprisonment for not less than 3 years and not exceeding 10 years; or~~

6 ~~2. [A. if the person violates subsection (a)(1)(iii) of this~~
7 ~~section, the person is subject to imprisonment for not less than 5 years and not exceeding~~
8 ~~10 years; or~~

9 ~~B.] if the person violates subsection [(a)(1)(iv)] (A)(1)(III) of~~
10 ~~this section, the person is subject to imprisonment for not less than 5 years and not~~
11 ~~exceeding 10 years.~~

12 ~~(ii) The court may not impose less than the applicable minimum~~
13 ~~sentence provided under subparagraph (i) of this paragraph.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.