HOUSE BILL 904

E1, F2, E4 HB 159/17 – APP

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

A BILL ENTITLED

1 AN ACT concerning

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Weapon-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 $\mathbf{5}$ carrying or possession of certain firearms on the property of public institutions of 6 higher education; providing for certain exceptions to the prohibition; requiring a 7 public institution of higher education to post certain signs at certain locations; 8 requiring the Board of Regents for the University System of Maryland to incorporate 9 into its bylaws, policies, and procedures the current weapons practice on the 10 System's campuses; and generally relating to the carrying or possession of firearms at public institutions of higher education. 11

- 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)
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:
- 24

Article – Criminal Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1	4–102.	
2	(a)	This section does not apply to:
3		(1) a law enforcement officer in the regular course of the officer's duty;
$4 \\ 5 \\ 6 \\ 7$	the State, o	(2) an off-duty law enforcement officer or a person who has retired as a law t officer in good standing from a law enforcement agency of the United States, or a local unit in the State [who is a parent, guardian, or visitor of a student school located on the public school property], provided that:
8 9	the officer's	(i) the officer or retired officer is [displaying] IN POSSESSION OF or retired officer's badge or credential;
10 11	concealed; a	(ii) the weapon carried or possessed by the officer or retired officer is and
12 13	handgun in	(iii) the officer or retired officer is authorized to carry a concealed the State;
$\begin{array}{c} 14\\ 15\\ 16\end{array}$		(3) a person hired by a county board of education OR A PUBLIC ON OF HIGHER EDUCATION specifically for the purpose of guarding public INSTITUTION property;
17 18	purposes; [c	(4) a person engaged in organized shooting activity for educational or]
19 20 21 22		(5) a person who, with a written invitation from the school principal OR DENT OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION , displays or a historical demonstration using a weapon or a replica of a weapon for purposes;
23 24 25 26	AUTHORIZI	(6) A PERSON CARRYING OR POSSESSING A FIREARM ON THE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO IS REQUIRED OR ED BY POLICIES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO FIREARM; OR
27 28 29		(7) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER N THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE IS USED FOR STUDENT HOUSING.
30 31	(b) any kind on	(1) A person may not carry or possess a firearm, knife, or deadly weapon of public school property.

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

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

6 (2) A person who is convicted of carrying or possessing a handgun in 7 violation of this section shall be sentenced under Subtitle 2 of this title.

8

Article – Education

9 **15–123.**

10 A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST SIGNS IN 11 PROMINENT LOCATIONS ON THE PROPERTY OF THE PUBLIC INSTITUTION OF 12 HIGHER EDUCATION, INCLUDING AT ENTRANCES TO AND EXITS FROM THE 13 PROPERTY, DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 4–102(B)(2) 14 OF THE CRIMINAL LAW ARTICLE PROHIBITING THE POSSESSION OF FIREARMS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Regents for the 16 University System of Maryland shall incorporate into its bylaws, policies, and procedures 17 the current weapons practice on the System's campuses.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 19 October 1, 2018.