

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 8, 2017

CHAPTER _____

1 AN ACT concerning

2 **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
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 their bylaws, policies, and procedures, the current weapons practice on their
10 campuses; and generally relating to the carrying or possession of firearms at public
11 institutions of higher education.

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 2016 Supplement)

17 BY adding to
18 Article – Education
19 Section 15–121

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.



Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Criminal Law

4–102.

(a) This section does not apply to:

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

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State ~~who is a parent, guardian, or visitor of a student attending a school located on the public school property~~ **OR ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION**, provided that:

(i) the officer or retired officer is ~~displaying~~ **IN POSSESSION OF** the officer's or retired officer's badge or credential;

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

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

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

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

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

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

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

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

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

(c) (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 in violation of this section shall be sentenced under Subtitle 2 of this title.

Article – Education

15–121.

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.