

**SB0943/533426/1**

BY: Conference Committee

AMENDMENTS TO SENATE BILL 943  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Criminal Procedure – ”; in the same line, after “Transfer” insert “and Public Institutions of Higher Education”; in line 3, after “of” insert “prohibiting the carrying or possession of certain firearms on the property of public institutions of higher education; providing for certain exceptions to the prohibition;”; in line 5, after “court” insert “, on request of the State’s Attorney,”; strike beginning with “requiring” in line 6 down through “firearms;” in line 10 and substitute “requiring a person who is prohibited from possessing a certain firearm to transfer the firearm to a certain law enforcement official or a certain firearms dealer within a certain time period; requiring a person who is prohibited from possessing a certain rifle or shotgun to transfer the rifle or shotgun to a certain law enforcement official, a certain firearms dealer, or, under certain circumstances, another person; requiring a person to file a certain motion for approval of a certain transfer; authorizing the State’s Attorney to file a certain objection; requiring the court to make certain findings before approving a certain transfer; requiring a certain transfer of a rifle or shotgun to be conducted in a certain manner; requiring a certain motion to include a certain statement;”; strike beginning with “requiring” in line 11 down through “circumstances;” in line 15 and substitute “requiring a person who receives a certain notice or proof of transfer to retain the notice or proof of transfer;”; and in line 19, strike “4-203(b)” and substitute “4-102, 4-203(b),”.

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 4 on page 2, inclusive.

On page 2, after line 9, insert:

“BY adding to

(Over)

**SB0943/533426/1**                      **Conference Committee**  
**Amendments to SB 943**  
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Article – Education  
Section 15-119  
Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

“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 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:**

**(I) IS REQUIRED TO CARRY THE FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION FOR A LAWFUL PURPOSE; OR**

**(II) IS AUTHORIZED BY THE POLICIES OR AN APPROVED EDUCATIONAL PURPOSE OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO CARRY OR POSSESS A FIREARM ON THE PROPERTY OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION; 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 WHILE KNOWINGLY 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.

On page 4 in line 10, on page 6 in line 6, on page 9 in line 19, and on page 10 in lines 10 and 11, in each instance, strike "FELONY OR CONVICTED OF A".

On page 6, strike in their entirety lines 20 through 34, inclusive.

On page 7, strike in their entirety lines 4 and 5 and substitute:

"(2) "CONVICTED OF A DISQUALIFYING CRIME" HAS THE MEANING STATED IN § 5-101 OF THE PUBLIC SAFETY ARTICLE."

On pages 7 and 8, strike in their entirety the lines beginning with line 8 on page 7 through line 11 on page 8, inclusive, and substitute:

"(B) ON REQUEST OF THE STATE'S ATTORNEY, A COURT SHALL INFORM A PERSON CONVICTED OF A DISQUALIFYING CRIME, EITHER VERBALLY OR IN WRITING OR BOTH, THAT THE PERSON IS PROHIBITED FROM POSSESSING:

(1) A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE; OR

(2) A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.

(C) (1) A PERSON WHO IS PROHIBITED FROM POSSESSING A REGULATED FIREARM UNDER § 5-133 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE FIREARM WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

(I) A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL; OR

(II) A FEDERALLY LICENSED FIREARMS DEALER.

(2) (I) A PERSON WHO IS PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE SHALL TRANSFER THE RIFLE OR SHOTGUN WITHIN 2 BUSINESS DAYS AFTER THE CONVICTION TO:

1. A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL;

2. A FEDERALLY LICENSED FIREARMS DEALER; OR

3. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANOTHER PERSON.

(II) 1. BEFORE A PERSON MAY TRANSFER A RIFLE OR SHOTGUN TO ANOTHER PERSON UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH, THE PERSON SHALL FILE A MOTION WITH THE COURT FOR THE APPROVAL OF THE TRANSFER.

2. THE STATE'S ATTORNEY MAY FILE AN OBJECTION TO THE MOTION.

3. THE COURT MAY ONLY APPROVE A TRANSFER OF A RIFLE OR SHOTGUN UNDER SUBPARAGRAPH (I)3 OF THIS PARAGRAPH IF THE COURT FINDS THAT:

A. THE TRANSFER WILL NOT PRESENT A THREAT TO PUBLIC SAFETY;

B. THE TRANSFEREE DOES NOT LIVE IN THE SAME RESIDENCE AS THE PERSON TRANSFERRING THE RIFLE OR SHOTGUN; AND

C. THE TRANSFEREE IS NOT PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER STATE OR FEDERAL LAW.

4. IF THE COURT APPROVES THE MOTION TO TRANSFER THE RIFLE OR SHOTGUN, THE TRANSFER SHALL BE CARRIED OUT BY A FEDERALLY LICENSED FIREARMS DEALER AND THE DEALER SHALL REQUEST A CRIMINAL HISTORY RECORDS CHECK.

5. A COURT ORDER GRANTING A MOTION UNDER THIS SUBPARAGRAPH SHALL STATE THAT THE TRANSFEREE MAY NOT AT ANY TIME RETURN THE RIFLE OR SHOTGUN TO THE PERSON PROHIBITED FROM POSSESSING A RIFLE OR SHOTGUN UNDER § 5-205 OF THE PUBLIC SAFETY ARTICLE.”.

On page 8, in line 12, after “(3)” insert “(1)”; in line 13, after “PARAGRAPH” insert “(1) OR”; and after line 15, insert:

“(II) A PERSON WHO RECEIVES A WRITTEN NOTICE OF COMPLETED TRANSACTION OR OTHER PROOF OF TRANSFER UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL RETAIN THE NOTICE OR PROOF OF TRANSFER.”.

On pages 8 and 9, strike in their entirety the lines beginning with line 27 on page 8 through line 13 on page 9, inclusive, and substitute:

“Article – Education

**15-119.**

**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.”.**