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**By: Prince George's County Delegation**

Introduced and read first time: January 27, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Weapons-Free School Zone**  
3 **PG 324-97**

4 FOR the purpose of prohibiting a person from carrying or possessing certain weapons in  
5 Prince George's County on or within a certain distance of real property used for  
6 certain school purposes or on a school vehicle under certain circumstances;  
7 establishing certain exceptions to these provisions; allowing certain maps produced  
8 or reproduced by any municipal or county agency to be used in a prosecution under  
9 this Act; requiring that maps approved under this Act be filed and kept as an  
10 official record; allowing the use of certain other evidence in a prosecution under  
11 this Act; imposing certain penalties; and generally relating to the offense of carrying  
12 or possessing a deadly weapon on or near school property in Prince George's  
13 County.

14 BY adding to

15 Article 27 - Crimes and Punishments  
16 Section 36L  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume)

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

21 **Article 27 - Crimes and Punishments**

22 36L.

23 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, IN PRINCE  
24 GEORGE'S COUNTY A PERSON MAY NOT CARRY OR POSSESS ANY FIREARM, KNIFE,  
25 OR DEADLY WEAPON OF ANY KIND:

26 (1) ON OR WITHIN 1,000 FEET OF ANY REAL PROPERTY OWNED BY OR  
27 LEASED TO ANY ELEMENTARY SCHOOL, SECONDARY SCHOOL, OR BOARD OF  
28 EDUCATION, AND USED FOR ELEMENTARY OR SECONDARY EDUCATION, AS  
29 DEFINED UNDER § 1-101 OF THE EDUCATION ARTICLE, REGARDLESS OF WHETHER:

30 (I) SCHOOL WAS IN SESSION AT THE TIME OF THE OFFENSE; OR

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1 (II) THE REAL PROPERTY WAS BEING USED FOR OTHER PURPOSES  
2 BESIDES SCHOOL PURPOSES AT THE TIME OF THE OFFENSE; OR

3 (2) ON A SCHOOL VEHICLE, AS DEFINED UNDER § 11-154 OF THE  
4 TRANSPORTATION ARTICLE.

5 (B) THIS SECTION DOES NOT APPLY TO:

6 (1) A LAW ENFORCEMENT OFFICER IN THE REGULAR COURSE OF  
7 DUTY;

8 (2) AN ON-DUTY SECURITY GUARD HIRED BY THE PRINCE GEORGE'S  
9 COUNTY BOARD OF EDUCATION OR BY A CONTRACTOR OF THE BOARD  
10 SPECIFICALLY TO GUARD PUBLIC SCHOOL PROPERTY;

11 (3) AN INDIVIDUAL WHO POSSESSES A FIREARM FOR A PROGRAM  
12 APPROVED BY THE SCHOOL OR WHO ENGAGES IN AN ORGANIZED SHOOTING  
13 ACTIVITY FOR EDUCATIONAL PURPOSES;

14 (4) AN INDIVIDUAL WHO LAWFULLY POSSESSES A FIREARM, KNIFE, OR  
15 OTHER DEADLY WEAPON ON PRIVATE PROPERTY;

16 (5) AN INDIVIDUAL WHO LAWFULLY TRANSPORTS AN UNLOADED  
17 FIREARM OR A KNIFE OR OTHER DEADLY WEAPON IN A MOTOR VEHICLE, IF THE  
18 DEADLY WEAPON IS IN A LOCKED CONTAINER OR A LOCKED FIREARMS RACK THAT  
19 IS ON THE MOTOR VEHICLE;

20 (6) AN INDIVIDUAL WITH AN UNLOADED FIREARM WHO IS  
21 AUTHORIZED BY A SCHOOL TO GAIN ACCESS TO LAND OPEN TO HUNTING; OR

22 (7) AN INDIVIDUAL WHO HOLDS A PERMIT TO CARRY A HANDGUN.

23 (C) A PERSON WHO IS CONVICTED OF VIOLATING THIS SECTION IS GUILTY OF  
24 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE FOLLOWING PENALTIES:

25 (1) FOR A FIRST OFFENSE, IMPRISONMENT FOR NOT MORE THAN 20  
26 YEARS OR A FINE OF NOT MORE THAN \$20,000 OR BOTH; OR

27 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT FOR NOT  
28 MORE THAN 40 YEARS OR A FINE OF NOT MORE THAN \$40,000 OR BOTH.

29 (D) (1) IN A PROSECUTION UNDER THIS SECTION, A MAP THAT IS  
30 PRODUCED OR REPRODUCED BY ANY MUNICIPAL OR COUNTY AGENCY FOR THE  
31 PURPOSE OF DEPICTING THE LOCATION AND BOUNDARIES OF THE AREA THAT IS  
32 ON OR WITHIN 1,000 FEET OF THE PROPERTY OF A PUBLIC OR NONPUBLIC  
33 ELEMENTARY OR SECONDARY SCHOOL THAT IS USED FOR SCHOOL PURPOSES, OR A  
34 TRUE COPY OF THE MAP, SHALL BE ADMISSIBLE AND SHALL CONSTITUTE PRIMA  
35 FACIE EVIDENCE OF THE LOCATION AND BOUNDARIES OF THE AREA IF:

36 (I) THE PRINCE GEORGE'S COUNTY COUNCIL OR THE GOVERNING  
37 BODY OF THE MUNICIPALITY HAS APPROVED THE MAP AS AN OFFICIAL RECORD OF  
38 THE LOCATION AND BOUNDARIES OF THE AREA; AND

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1 (II) THE MAP IS CERTIFIED AS A TRUE COPY BY THE CUSTODIAN  
2 OF THE MAP.

3 (2) A MAP APPROVED UNDER THIS SECTION MAY BE REVISED BY THE  
4 PRINCE GEORGE'S COUNTY COUNCIL OR THE GOVERNING BODY OF THE  
5 MUNICIPALITY.

6 (3) THE ORIGINAL OF EVERY MAP APPROVED OR REVISED UNDER THIS  
7 SECTION, OR A TRUE COPY, SHALL BE FILED WITH THE MUNICIPALITY OR COUNTY  
8 AND SHALL BE MAINTAINED AS AN OFFICIAL RECORD OF THE MUNICIPALITY OR  
9 COUNTY.

10 (4) THIS SECTION DOES NOT PRECLUDE THE USE OR ADMISSIBILITY OF  
11 A MAP OR DIAGRAM OTHER THAN THE ONE THAT HAS BEEN APPROVED BY THE  
12 MUNICIPALITY OR COUNTY.

13 (5) THIS SECTION DOES NOT PRECLUDE THE PROSECUTION FROM  
14 INTRODUCING OR RELYING UPON ANY OTHER EVIDENCE OR TESTIMONY TO  
15 ESTABLISH ANY ELEMENT OF THE OFFENSE SET FORTH IN SUBSECTION (A) OF THIS  
16 SECTION.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 1997.