

HOUSE BILL 752

Unofficial Copy  
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HB 458/97 - JUD

1998 Regular Session  
8lr0218

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By: **Prince George's County Delegation**  
Introduced and read first time: February 11, 1998  
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 302-98**

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

14 BY adding to  
15 Article 27 - Crimes and Punishments  
16 Section 36L  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 1997 Supplement)

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 GEORGE'S  
24 COUNTY A PERSON MAY NOT CARRY OR POSSESS ANY FIREARM, KNIFE, OR DEADLY  
25 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

1 EDUCATION, AND USED FOR ELEMENTARY OR SECONDARY EDUCATION, AS DEFINED  
2 UNDER § 1-101 OF THE EDUCATION ARTICLE, REGARDLESS OF WHETHER:

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

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

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

8 (B) THIS SECTION DOES NOT APPLY TO:

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

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

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

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

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

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

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

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

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

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

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

1 THE MAP, SHALL BE ADMISSIBLE AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE  
2 OF THE LOCATION AND BOUNDARIES OF THE AREA IF:

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

6 (II) THE MAP IS CERTIFIED AS A TRUE COPY BY THE CUSTODIAN OF  
7 THE MAP.

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

11 (3) THE ORIGINAL OF EVERY MAP APPROVED OR REVISED UNDER THIS  
12 SECTION, OR A TRUE COPY, SHALL BE FILED WITH THE MUNICIPALITY OR COUNTY  
13 AND SHALL BE MAINTAINED AS AN OFFICIAL RECORD OF THE MUNICIPALITY OR  
14 COUNTY.

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

18 (5) THIS SECTION DOES NOT PRECLUDE THE PROSECUTION FROM  
19 INTRODUCING OR RELYING UPON ANY OTHER EVIDENCE OR TESTIMONY TO  
20 ESTABLISH ANY ELEMENT OF THE OFFENSE SET FORTH IN SUBSECTION (A) OF THIS  
21 SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 1998.