
By: **Prince George's County Delegation**
Introduced and read first time: February 4, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Weapons-Free School Zone**
3 **PG 310-02**

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

13 BY adding to
14 Article - Criminal Law
15 Section 4-102.1
16 Annotated Code of Maryland
17 (As enacted by Chapter _____(H.B. 11) of the Acts of the General Assembly of
18 2002)

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

21 **Article - Criminal Law**

22 4-102.1.

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

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

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

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

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

6 (B) THIS SECTION DOES NOT APPLY TO:

7 (1) A LAW ENFORCEMENT OFFICER IN THE REGULAR COURSE OF 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 SPECIFICALLY
10 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 TRANSPORTS AN UNLOADED
15 FIREARM IN A MOTOR VEHICLE, IF THE FIREARM IS IN A LOCKED CONTAINER OR A
16 LOCKED FIREARMS RACK THAT IS ON THE MOTOR VEHICLE;

17 (5) AN INDIVIDUAL WITH AN UNLOADED FIREARM WHO IS AUTHORIZED
18 BY A SCHOOL TO GAIN ACCESS TO LAND OPEN TO HUNTING; OR

19 (6) AN INDIVIDUAL WHO:

20 (I) HOLDS A PERMIT TO CARRY A HANDGUN; AND

21 (II) NOTIFIES AN OFFICIAL OF THE SCHOOL BEFORE OR
22 IMMEDIATELY ON ENTRY IN THE AREA DESCRIBED IN SUBSECTION (A)(1) OF THIS
23 SECTION, UNLESS ENTRY IN THE AREA IS SOLELY FOR PASSAGE THROUGH THE
24 AREA.

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 NOT EXCEEDING 10 YEARS
28 OR A FINE NOT EXCEEDING \$10,000 OR BOTH; OR

29 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT
30 EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$30,000 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 THE
34 PROPERTY OF A PUBLIC OR NONPUBLIC ELEMENTARY OR SECONDARY SCHOOL THAT
35 IS USED FOR SCHOOL PURPOSES, OR A TRUE COPY OF THE MAP, SHALL BE

1 ADMISSIBLE AND SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE LOCATION
2 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, 2002.