

HOUSE BILL 803

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11r2072

By: **Delegates Valentino-Smith, Anderson, Dumais, Haynes, Healey, A. Kelly, Mitchell, Nathan-Pulliam, Rosenberg, Simmons, Summers, V. Turner, and Washington**

Introduced and read first time: February 11, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Possession of a Handgun – Institutions of Higher Education**
3 **and Hospitals**

4 FOR the purpose of prohibiting a person from committing a certain violation relating
5 to wearing, carrying, or transporting a handgun while on or in the property of
6 an institution of higher education where postsecondary courses are conducted or
7 on or in the facility of a hospital; establishing a certain penalty for a violation of
8 this Act; and generally relating to the offense of wearing, carrying, or
9 transporting a handgun.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Law
12 Section 4–203(a)
13 Annotated Code of Maryland
14 (2002 Volume and 2010 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Criminal Law
17 Section 4–203(c)
18 Annotated Code of Maryland
19 (2002 Volume and 2010 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Education
22 Section 10–101(f)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2010 Supplement)

25 BY repealing and reenacting, without amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General
2 Section 19–301(f)
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2010 Supplement)

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

7 **Article – Criminal Law**

8 4–203.

9 (a) (1) Except as provided in subsection (b) of this section, a person may
10 not:

11 (i) wear, carry, or transport a handgun, whether concealed or
12 open, on or about the person;

13 (ii) wear, carry, or knowingly transport a handgun, whether
14 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
15 public, highway, waterway, or airway of the State;

16 (iii) violate item (i) or (ii) of this paragraph while on **OR IN:**

17 1. public school property in the State;

18 2. **PROPERTY OF AN INSTITUTION OF HIGHER**
19 **EDUCATION, AS DEFINED IN § 10–101(F) OF THE HEALTH – GENERAL ARTICLE,**
20 **WHERE POSTSECONDARY COURSES ARE CONDUCTED; OR**

21 3. **THE FACILITY OF A HOSPITAL, AS DEFINED IN §**
22 **19–301(F) OF THE HEALTH – GENERAL ARTICLE; or**

23 (iv) violate item (i) or (ii) of this paragraph with the deliberate
24 purpose of injuring or killing another person.

25 (2) There is a rebuttable presumption that a person who transports a
26 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.

27 (c) (1) A person who violates this section is guilty of a misdemeanor and
28 on conviction is subject to the penalties provided in this subsection.

29 (2) If the person has not previously been convicted under this section,
30 § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

1 (i) except as provided in item (ii) of this paragraph, the person
2 is subject to imprisonment for not less than 30 days and not exceeding 3 years or a fine
3 of not less than \$250 and not exceeding \$2,500 or both; or

4 (ii) if the person violates subsection (a)(1)(iii) of this section, the
5 person shall be sentenced to imprisonment for not less than 90 days.

6 (3) (i) If the person has previously been convicted once under this
7 section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title:

8 1. except as provided in item 2 of this subparagraph, the
9 person is subject to imprisonment for not less than 1 year and not exceeding 10 years;
10 or

11 2. if the person violates subsection (a)(1)(iii) of this
12 section, the person is subject to imprisonment for not less than 3 years and not
13 exceeding 10 years.

14 (ii) The court may not impose less than the applicable minimum
15 sentence provided under subparagraph (i) of this paragraph.

16 (4) (i) If the person has previously been convicted more than once
17 under this section, § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title, or of any
18 combination of these crimes:

19 1. except as provided in item (2) of this subparagraph,
20 the person is subject to imprisonment for not less than 3 years and not exceeding 10
21 years; or

22 2. A. if the person violates subsection (a)(1)(iii) of this
23 section, the person is subject to imprisonment for not less than 5 years and not
24 exceeding 10 years; or

25 B. if the person violates subsection (a)(1)(iv) of this
26 section, the person is subject to imprisonment for not less than 5 years and not
27 exceeding 10 years.

28 (ii) The court may not impose less than the applicable minimum
29 sentence provided under subparagraph (i) of this paragraph.

30 Article – Education

31 10–101.

32 (f) “Institution of higher education” means an institution of postsecondary
33 education that generally limits enrollment to graduates of secondary schools, and
34 awards degrees at either the associate, baccalaureate, or graduate level.

1 **Article – Health – General**

2 19–301.

3 (f) “Hospital” means an institution that:

4 (1) Has a group of at least 5 physicians who are organized as a
5 medical staff for the institution;6 (2) Maintains facilities to provide, under the supervision of the
7 medical staff, diagnostic and treatment services for 2 or more unrelated individuals;
8 and

9 (3) Admits or retains the individuals for overnight care.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2011.