

# HOUSE BILL 397

E4

3lr1264

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By: **Delegates McDermott, Cluster, Hough, K. Kelly, McComas, and Parrott**  
Introduced and read first time: January 25, 2013  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Carrying Weapons on School Property – Law Enforcement**  
3 **Officers Safety Act**

4 FOR the purpose of creating an exception to the prohibition against carrying a deadly  
5 weapon on public school property for a person who holds a certain permit or is  
6 certified under a certain federal law to carry a concealed firearm; and generally  
7 relating to carrying weapons on school property.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Law  
10 Section 4–102  
11 Annotated Code of Maryland  
12 (2012 Replacement Volume and 2012 Supplement)

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

15 **Article – Criminal Law**

16 4–102.

17 (a) This section does not apply to:

18 (1) a law enforcement officer in the regular course of the officer's duty;

19 (2) a person hired by a county board of education specifically for the  
20 purpose of guarding public school property;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (3)    **A PERSON WHO HOLDS A PERMIT UNDER § 5-306 OF THE**  
2 **PUBLIC SAFETY ARTICLE OR IS CERTIFIED TO CARRY A CONCEALED FIREARM**  
3 **UNDER THE LAW ENFORCEMENT OFFICERS SAFETY ACT, 18 U.S.C. 926B;**

4           (4)    a person engaged in organized shooting activity for educational  
5 purposes; or

6           [(4)] (5)    a person who, with a written invitation from the school  
7 principal, displays or engages in a historical demonstration using a weapon or a  
8 replica of a weapon for educational purposes.

9           (b)    A person may not carry or possess a firearm, knife, or deadly weapon of  
10 any kind on public school property.

11           (c)    (1)    Except as provided in paragraph (2) of this subsection, a person  
12 who violates this section is guilty of a misdemeanor and on conviction is subject to  
13 imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both.

14                   (2)    A person who is convicted of carrying or possessing a handgun in  
15 violation of this section shall be sentenced under Subtitle 2 of this title.

16                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2013.