

# HOUSE BILL 1474

R4, E1

8lr3229

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By: **Delegate Miele**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Driver's Licenses – Revocation for Firearms on School Property**

3 FOR the purpose of requiring the Motor Vehicle Administration to revoke a person's  
4 driver's license or privilege to drive for a certain time period if the person is convicted  
5 of carrying or possessing a firearm on school property under certain circumstances;  
6 requiring a court to notify a person that the person's driver's license or privilege to  
7 drive shall be revoked for certain convictions of the person for carrying or possessing  
8 a firearm on school property; requiring a court to notify the Administration of the  
9 conviction of certain persons for carrying or possessing a firearm on school property;  
10 requiring the District Court and the Administration to establish a procedure for  
11 reporting violations; providing for the reinstatement of a driver's license revoked  
12 under this Act; and generally relating to the revocation of a person's driver's license  
13 or privilege to drive for a conviction for carrying or possessing a firearm on school  
14 property.

15 BY repealing and reenacting, with amendments,  
16 Article – Criminal Law  
17 Section 4–102  
18 Annotated Code of Maryland  
19 (2012 Replacement Volume and 2017 Supplement)

20 BY adding to  
21 Article – Transportation  
22 Section 16–206.2  
23 Annotated Code of Maryland  
24 (2012 Replacement Volume and 2017 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Transportation  
27 Section 16–208(b)  
28 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2012 Replacement Volume and 2017 Supplement)

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

**Article – Criminal Law**

4–102.

(a) This section does not apply to:

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

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

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

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

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

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

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

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

1           **(D) (1) IF A PERSON WHO IS A STUDENT AT THE SCHOOL IS CONVICTED OF**  
2 **A VIOLATION UNDER THIS SECTION FOR CARRYING OR POSSESSING A FIREARM ON**  
3 **SCHOOL PROPERTY, THE COURT SHALL NOTIFY:**

4                   **(I) THE PERSON THAT THE PERSON'S DRIVER'S LICENSE OR**  
5 **PRIVILEGE TO DRIVE WILL BE REVOKED UNDER § 16-206.2 OF THE**  
6 **TRANSPORTATION ARTICLE; AND**

7                   **(II) THE MOTOR VEHICLE ADMINISTRATION OF THE**  
8 **VIOLATION.**

9                   **(2) THE CHIEF JUDGE OF THE DISTRICT COURT AND THE**  
10 **ADMINISTRATIVE OFFICE OF THE COURTS, IN CONJUNCTION WITH THE MOTOR**  
11 **VEHICLE ADMINISTRATION, SHALL ESTABLISH UNIFORM PROCEDURES FOR**  
12 **REPORTING A VIOLATION UNDER THIS SUBSECTION.**

13                                   **Article – Transportation**

14 **16-206.2.**

15           **ON RECEIPT OF NOTICE RECEIVED UNDER § 4-102(D) OF THE CRIMINAL LAW**  
16 **ARTICLE THAT AN INDIVIDUAL HAS BEEN CONVICTED OF A VIOLATION UNDER §**  
17 **4-102 OF THE CRIMINAL LAW ARTICLE FOR CARRYING OR POSSESSING A FIREARM**  
18 **ON SCHOOL PROPERTY, THE ADMINISTRATION SHALL REVOKE THE INDIVIDUAL'S**  
19 **DRIVER'S LICENSE OR PRIVILEGE TO DRIVE FOR A PERIOD OF NOT LESS THAN 1**  
20 **YEAR AND NOT EXCEEDING 3 YEARS.**

21 **16-208.**

22           **(b) (1) Any individual whose license or privilege to drive has been revoked may**  
23 **apply for reinstatement of the individual's license or privilege as provided in this**  
24 **subsection.**

25                   **(2) (i) If it is the individual's first revocation, the individual may file a**  
26 **reinstatement application at any time after the day the revoked license is surrendered to**  
27 **and received by the Administration or, in the case of an individual who does not have a**  
28 **license issued under this title, after the effective date of the revocation.**

29                   **(ii) Except as provided in [paragraph (6)] PARAGRAPHS (6) AND**  
30 **(7) of this subsection, on receipt of the application, the Administration may reinstate the**  
31 **license or privilege 6 months after the revoked license is received by the Administration or,**  
32 **in the case of an individual who does not have a license issued under this title, 6 months**  
33 **after the effective date of revocation.**

34                   **(3) (i) If it is the individual's second revocation, the individual may file**

1 a reinstatement application at any time after 1 year from the day the revoked license is  
2 surrendered to and received by the Administration or, in the case of an individual who does  
3 not have a license issued under this title, after 1 year from the effective date of revocation.

4 (ii) Except as provided in [paragraph (6)] **PARAGRAPHS (6) AND**  
5 **(7)** of this subsection, on receipt of the application, the Administration may reinstate the  
6 license or privilege.

7 (4) (i) If it is the individual's third revocation, the individual may file a  
8 reinstatement application at any time after 18 months from the day the revoked license is  
9 surrendered to and received by the Administration or, in the case of an individual who does  
10 not have a license issued under this title, after 18 months from the effective date of  
11 revocation.

12 (ii) Except as provided in [paragraph (6)] **PARAGRAPHS (6) AND**  
13 **(7)** of this subsection, on receipt of the application, the Administration may reinstate the  
14 license or privilege.

15 (5) (i) If it is the individual's fourth or subsequent revocation, the  
16 individual may file a reinstatement application at any time after 2 years from the day the  
17 revoked license is surrendered to and received by the Administration or, in the case of an  
18 individual who does not have a license issued under this title, after 2 years from the  
19 effective date of revocation.

20 (ii) Except as provided in [paragraph (6)] **PARAGRAPHS (6) AND**  
21 **(7)** of this subsection, on receipt of the application, the Administration may reinstate the  
22 license or privilege.

23 (6) (i) The Administration may not reinstate a license or privilege to  
24 drive under this subsection if the license or privilege has been refused, revoked, suspended,  
25 or canceled under any other provision of the Maryland Vehicle Law.

26 (ii) 1. In this subparagraph, "alcohol-related or drug-related  
27 driving incident" means a:

28 A. Conviction or probation before judgment for a violation of  
29 § 21-902(a), (b), (c), or (d) of this article or a substantially similar law of another  
30 jurisdiction;

31 B. Refusal to submit to a test under § 16-205.1 of this subtitle  
32 or a substantially similar law of another jurisdiction; or

33 C. Test result that indicates an alcohol concentration of 0.10  
34 or more at the time of testing under § 16-205.1 of this subtitle or a substantially similar  
35 law of another jurisdiction.

1                   2.     Alcohol-related or drug-related driving incidents  
2 committed at the same time or arising out of the same circumstances may not be considered  
3 separate alcohol-related or drug-related driving incidents for the purpose of this  
4 subparagraph.

5                   3.     Notwithstanding paragraphs (1) through (5) of this  
6 subsection, the Administration may reinstate a license or privilege to drive only if, after an  
7 investigation of an individual's habits and driving ability, the Administration is satisfied it  
8 will be safe to reinstate the license or privilege of an individual who has been:

9                   A.     Involved in any combination of three or more separate  
10 alcohol-related or drug-related driving incidents;

11                   B.     Involved in a vehicular accident resulting in the death of  
12 another person; or

13                   C.     Convicted of a violation for failing to stop after a vehicular  
14 accident resulting in bodily injury or death.

15                   (7)     **EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION, IF**  
16 **THE INDIVIDUAL'S DRIVER'S LICENSE OR PRIVILEGE IS REVOKED UNDER § 16-206.2**  
17 **OF THIS SUBTITLE, ON APPLICATION THE ADMINISTRATION SHALL REINSTATE THE**  
18 **LICENSE OR PRIVILEGE AFTER THE END OF THE REVOCATION PERIOD.**

19                   (8)     Except as otherwise provided in this title, before issuing a new license,  
20 the Administration shall require the applicant to submit to the examinations that it  
21 considers appropriate.

22                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2018.