E1 8lr4043 CF SB 1250

By: Delegates Sydnor and Carozza

Introduced and read first time: March 5, 2018 Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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1	AN	$\mathbf{A}(\mathcal{I}^{*}\Gamma)$	concerning
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Criminal Law – Threat of Mass Violence and Deadly Weapons on Public School Property

4 FOR the purpose of altering a certain prohibition relating to threatening to commit a 5 certain crime of violence so as to prohibit a person from knowingly threatening to 6 commit or threatening to cause to be committed a certain crime of violence that 7 would place a certain number of people at substantial risk of death or serious 8 physical injury if the threat were carried out; prohibiting a person from knowingly 9 threatening to commit or threatening to cause to be committed a certain crime of violence that would place a certain number of minors at substantial risk of death or 10 11 serious physical injury if the threat were carried out; altering certain penalties 12 relating to carrying and possessing a firearm on public school property; repealing 13 certain prohibitions against wearing, carrying, or transporting a handgun in a 14 certain manner while on public school property in the State; repealing certain 15 defined terms; and generally relating to threats of mass violence and deadly weapons 16 on public school property.

- 17 BY repealing and reenacting, with amendments,
- 18 Article Criminal Law
- 19 Section 3–1001, 4–102, and 4–203
- 20 Annotated Code of Maryland
- 21 (2012 Replacement Volume and 2017 Supplement)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 23 That the Laws of Maryland read as follows:
- 24 Article Criminal Law
- 25 3–1001.

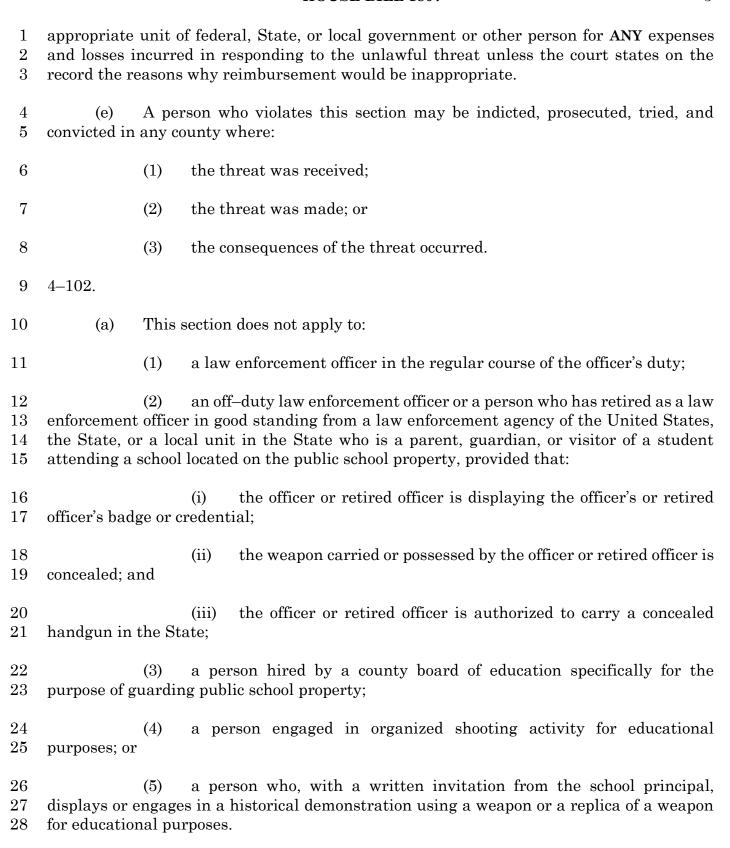
(4)

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- 1 (a) [(1) In this section the following words have the meanings indicated.
 2 (2) "Dwelling" has the meaning stated in § 6–201 of this article.
- 3 "Public place" has the meaning stated in § 10–201 of this article.
- 5 (b) This section applies to a threat made by oral or written communication of
- 5 (b)] This section applies to a threat made by oral or written communication or 6 electronic mail, as defined in § 3–805(a) of this title.

"Storehouse" has the meaning stated in § 6–201 of this article.

- [(c)] (B) A person may not knowingly threaten to commit or threaten to cause to be committed a crime of violence, as defined in § 14–101 of this article, that would place [others] FIVE OR MORE PEOPLE at substantial risk of death or serious physical injury, as defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat is carried out, five or more people are:
- 12 (1) placed in reasonable fear that the crime will be committed;
- 13 (2) evacuated from a dwelling, storehouse, or public place;
- 14 (3) required to move to a designated area within a dwelling, storehouse, or 15 public place; or
- 16 (4) required to remain in a designated safe area within a dwelling, storehouse, or public place IF THE THREAT WERE CARRIED OUT.
- 18 (C) A PERSON MAY NOT KNOWINGLY THREATEN TO COMMIT OR THREATEN
 19 TO CAUSE TO BE COMMITTED A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF
 20 THIS ARTICLE, THAT WOULD PLACE FIVE OR MORE MINORS AT SUBSTANTIAL RISK
 21 OF DEATH OR SERIOUS PHYSICAL INJURY, AS DEFINED IN § 3–201 OF THIS TITLE, IF
 22 THE THREAT WERE CARRIED OUT.
- 23 (d) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A person who violates this section is guilty of the misdemeanor of making a threat of mass violence and on conviction is subject to imprisonment not exceeding [10] 5 years or a fine not exceeding \$10,000 or both.
- 27 (2) A PERSON WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS
 28 GUILTY OF THE MISDEMEANOR OF MAKING A THREAT OF MASS VIOLENCE AND ON
 29 CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE
 30 NOT EXCEEDING \$10,000 OR BOTH.
- 31 **(3)** In addition to the penalties provided in paragraph (1) **OR (2)** of this 32 subsection, a court shall order a person convicted under this section to reimburse the



(c) (1) Except as provided in paragraph (2) of this subsection, a person who

A person may not carry or possess a firearm, knife, or deadly weapon of any

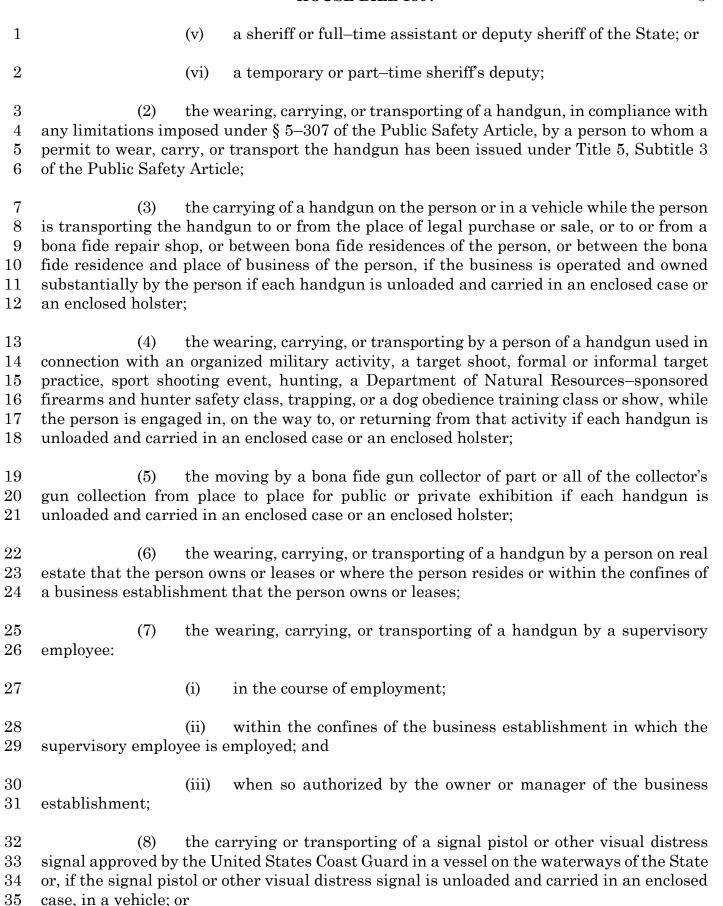
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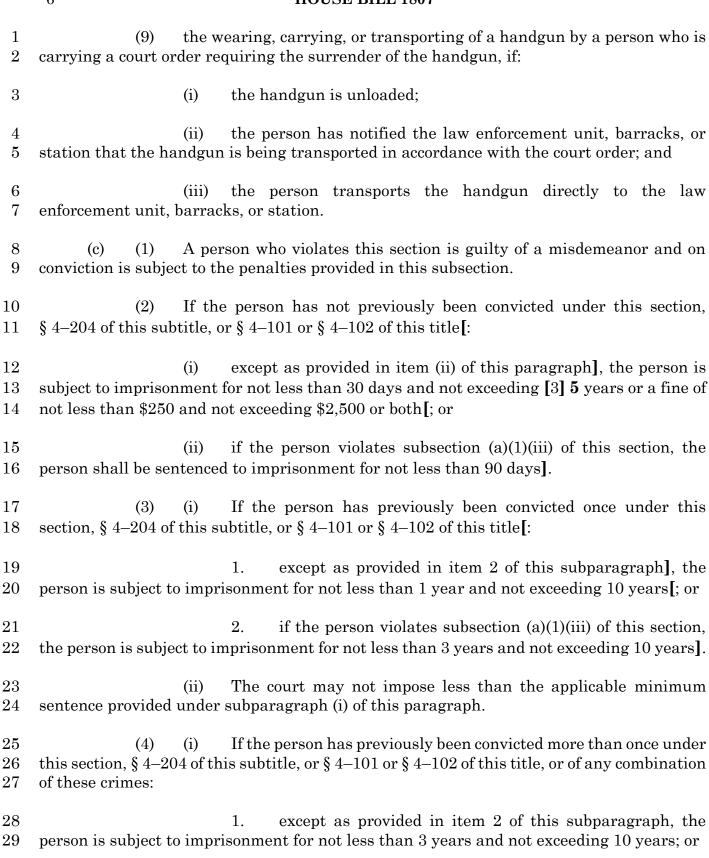
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kind on public school property.

- 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.
- 3 (2) A person who is convicted of carrying or possessing a [handgun] 4 FIREARM in violation of this section [shall be sentenced under Subtitle 2 of this title] IS
- 5 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT
- 6 NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.
- 7 4–203.
- 8 (a) (1) Except as provided in subsection (b) of this section, a person may not:
- 9 (i) wear, carry, or transport a handgun, whether concealed or open, 10 on or about the person;
- 11 (ii) wear, carry, or knowingly transport a handgun, whether
- 12 concealed or open, in a vehicle traveling on a road or parking lot generally used by the
- 13 public, highway, waterway, or airway of the State; OR
- 14 (iii) [violate item (i) or (ii) of this paragraph while on public school 15 property in the State; or
- 16 (iv)] violate item (i) or (ii) of this paragraph with the deliberate 17 purpose of injuring or killing another person.
- 18 (2) There is a rebuttable presumption that a person who transports a 19 handgun under paragraph (1)(ii) of this subsection transports the handgun knowingly.
- 20 (b) This section does not prohibit:
- 21 (1) the wearing, carrying, or transporting of a handgun by a person who is 22 authorized at the time and under the circumstances to wear, carry, or transport the 23 handgun as part of the person's official equipment, and is:
- 24 (i) a law enforcement official of the United States, the State, or a 25 county or city of the State;
- 26 (ii) a member of the armed forces of the United States or of the 27 National Guard on duty or traveling to or from duty;
- 28 (iii) a law enforcement official of another state or subdivision of 29 another state temporarily in this State on official business;
- 30 (iv) a correctional officer or warden of a correctional facility in the 31 State;





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

- B.] if the person violates subsection [(a)(1)(iv)] (A)(1)(III) of this section, the person is subject to imprisonment for not less than 5 years and not exceeding 10 years.
- 4 (ii) The court may not impose less than the applicable minimum 5 sentence provided under subparagraph (i) of this paragraph.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2018.