HOUSE BILL 780

E1, F2, E4 HB 1724/18 – HRU

By: Delegate Jalisi

Introduced and read first time: February 3, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

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Gun-Free Higher Education Zones

- 3 FOR the purpose of altering a certain exception relating to law enforcement officers to the 4 prohibition on carrying certain weapons on public school property; prohibiting the 5 carrying or possession of certain firearms on the property of public institutions of 6 higher education; requiring a public institution of higher education to post certain 7 signs at certain locations; requiring the Board of Regents for the University System 8 of Maryland to incorporate into their bylaws, policies, and procedures the current 9 weapons practice on their campuses; and generally relating to the carrying or possession of firearms at public institutions of higher education. 10
- 11 BY repealing and reenacting, with amendments,
- 12 Article Criminal Law
- 13 Section 4–102
- 14 Annotated Code of Maryland
- 15 (2021 Replacement Volume and 2021 Supplement)
- 16 BY adding to
- 17 Article Education
- 18 Section 15–134
- 19 Annotated Code of Maryland
- 20 (2018 Replacement Volume and 2021 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:
- 23 Article Criminal Law
- 24 4–102.
- 25 (a) This section does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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(8)

(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] IN POSSESSION OF 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 OR A PUBLIC INSTITUTION OF HIGHER EDUCATION specifically for the purpose of guarding public school OR INSTITUTION 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 OR THE PRESIDENT OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION , displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes;
(6) A PERSON CARRYING OR POSSESSING A FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION WHO IS REQUIRED OR AUTHORIZED BY POLICIES OF THE PUBLIC INSTITUTION OF HIGHER EDUCATION TO POSSESS A FIREARM;
(7) AN EMPLOYEE OF AN ARMORED CAR COMPANY WHO IS:
(I) AUTHORIZED TO CARRY A FIREARM IN THE STATE IN THE REGULAR COURSE OF EMPLOYMENT; AND
(II) CARRYING OR POSSESSING A FIREARM ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION;

THE AREA SURROUNDING A BUILDING OWNED OR OPERATED BY A

PUBLIC INSTITUTION OF HIGHER EDUCATION FOR THE PURPOSE OF STUDENT

HOUSING, TEACHING, RESEARCH, OR ADMINISTRATION, IF:

- 1 (I) THE AREA IS NOT LOCATED OTHERWISE ON A CAMPUS OF A PUBLIC INSTITUTION OF HIGHER EDUCATION; AND
- 3 (II) THE POSSESSION OF A FIREARM IN THE AREA IS NOT 4 OTHERWISE PROHIBITED BY LAW; OR
- 5 (9) PROPERTY USED BY A PUBLIC INSTITUTION OF HIGHER 6 EDUCATION THAT IS OWNED BY AN INDIVIDUAL OR A PRIVATE ENTITY, UNLESS THE 7 PROPERTY IS USED FOR STUDENT HOUSING.
- 8 (b) (1) A person may not carry or possess a firearm, knife, or deadly weapon of 9 any kind on public school property.
- 10 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A
 11 PERSON MAY NOT CARRY OR POSSESS A FIREARM ON THE PROPERTY OF A PUBLIC
 12 INSTITUTION OF HIGHER EDUCATION.
- 13 (3) A PERSON MAY NOT KNOWINGLY CARRY OR POSSESS A FIREARM
 14 ON THE PROPERTY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IF THE
 15 PERSON WAS PREVIOUSLY FOUND GUILTY OF A VIOLATION OF PARAGRAPH (2) OF
 16 THIS SUBSECTION.
- 17 (c) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) 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.
- 20 (2) A person who is convicted of carrying or possessing a handgun **ON**21 **PUBLIC SCHOOL PROPERTY** in violation of this section shall be sentenced under Subtitle
 22 2 of this title.
- 23 (3) (I) A FINDING OF GUILT UNDER SUBSECTION (B)(2) OF THIS SECTION IS A CIVIL OFFENSE PUNISHABLE BY A FINE OF \$2,500.
- (II) A PERSON WHO VIOLATES SUBSECTION (B)(3) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.
- 29 Article Education
- 30 **15–134.**
- A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL POST SIGNS IN

- 1 PROMINENT LOCATIONS ON THE PROPERTY OF THE PUBLIC INSTITUTION OF
- 2 HIGHER EDUCATION, INCLUDING AT ENTRANCES TO AND EXITS FROM THE
- 3 PROPERTY, DESIGNED TO PROVIDE NOTICE OF THE PROVISIONS OF § 4–102(B)(2)
- 4 OF THE CRIMINAL LAW ARTICLE PROHIBITING THE POSSESSION OF FIREARMS.
- 5 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Regents for the
- 6 University System of Maryland shall incorporate into their bylaws, policies, and procedures
- 7 the current weapons practice on their campuses.
- 8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 9 October 1, 2022.