

HOUSE BILL 1807

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

1 AN ACT concerning

2 **Criminal Law – Threat of Mass Violence and Deadly Weapons on Public School**
3 **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
10 violence that would place a certain number of minors at substantial risk of death or
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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 (3) “Public place” has the meaning stated in § 10–201 of this article.

4 (4) “Storehouse” has the meaning stated in § 6–201 of this article.

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.

7 [(c)] (B) A person may not knowingly threaten to commit or threaten to cause to
8 be committed a crime of violence, as defined in § 14–101 of this article, that would place
9 [others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as
10 defined in § 3–201 of this title, [if as a result of the threat, regardless of whether the threat
11 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,
17 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**
24 **SUBSECTION, A person who violates this section is guilty of the misdemeanor of making a**
25 **threat of mass violence and on conviction is subject to imprisonment not exceeding [10] 5**
26 **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

1 appropriate unit of federal, State, or local government or other person for ANY expenses
2 and losses incurred in responding to the unlawful threat unless the court states on the
3 record the reasons why reimbursement would be inappropriate.

4 (e) A person who violates this section may be indicted, prosecuted, tried, and
5 convicted in any county where:

6 (1) the threat was received;

7 (2) the threat was made; or

8 (3) the consequences of the threat occurred.

9 4–102.

10 (a) This section does not apply to:

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

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

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

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

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

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

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

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

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

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

1 violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment
2 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;

1 (v) a sheriff or full-time assistant or deputy sheriff of the State; or

2 (vi) a temporary or part-time sheriff's deputy;

3 (2) the wearing, carrying, or transporting of a handgun, in compliance with
4 any limitations imposed under § 5-307 of the Public Safety Article, by a person to whom a
5 permit to wear, carry, or transport the handgun has been issued under Title 5, Subtitle 3
6 of the Public Safety Article;

7 (3) the carrying of a handgun on the person or in a vehicle while the person
8 is transporting the handgun to or from the place of legal purchase or sale, or to or from a
9 bona fide repair shop, or between bona fide residences of the person, or between the bona
10 fide residence and place of business of the person, if the business is operated and owned
11 substantially by the person if each handgun is unloaded and carried in an enclosed case or
12 an enclosed holster;

13 (4) the wearing, carrying, or transporting by a person of a handgun used in
14 connection with an organized military activity, a target shoot, formal or informal target
15 practice, sport shooting event, hunting, a Department of Natural Resources-sponsored
16 firearms and hunter safety class, trapping, or a dog obedience training class or show, while
17 the person is engaged in, on the way to, or returning from that activity if each handgun is
18 unloaded and carried in an enclosed case or an enclosed holster;

19 (5) the moving by a bona fide gun collector of part or all of the collector's
20 gun collection from place to place for public or private exhibition if each handgun is
21 unloaded and carried in an enclosed case or an enclosed holster;

22 (6) the wearing, carrying, or transporting of a handgun by a person on real
23 estate that the person owns or leases or where the person resides or within the confines of
24 a business establishment that the person owns or leases;

25 (7) the wearing, carrying, or transporting of a handgun by a supervisory
26 employee:

27 (i) in the course of employment;

28 (ii) within the confines of the business establishment in which the
29 supervisory employee is employed; and

30 (iii) when so authorized by the owner or manager of the business
31 establishment;

32 (8) the carrying or transporting of a signal pistol or other visual distress
33 signal approved by the United States Coast Guard in a vessel on the waterways of the State
34 or, if the signal pistol or other visual distress signal is unloaded and carried in an enclosed
35 case, in a vehicle; or

1 (9) the wearing, carrying, or transporting of a handgun by a person who is
2 carrying a court order requiring the surrender of the handgun, if:

3 (i) the handgun is unloaded;

4 (ii) the person has notified the law enforcement unit, barracks, or
5 station that the handgun is being transported in accordance with the court order; and

6 (iii) the person transports the handgun directly to the law
7 enforcement unit, barracks, or station.

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

10 (2) If the person has not previously been convicted under this section,
11 § 4–204 of this subtitle, or § 4–101 or § 4–102 of this title[:

12 (i) except as provided in item (ii) of this paragraph], the person is
13 subject to imprisonment for not less than 30 days and not exceeding [3] 5 years or a fine of
14 not less than \$250 and not exceeding \$2,500 or both[; or

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

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

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

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

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

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

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

30 2. [A. if the person violates subsection (a)(1)(iii) of this
31 section, the person is subject to imprisonment for not less than 5 years and not exceeding
32 10 years; or

1 B.] if the person violates subsection [(a)(1)(iv)] **(A)(1)(III)** of
2 this section, the person is subject to imprisonment for not less than 5 years and not
3 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.