

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Code of Maryland
Criminal Law (Refs & Annos)
Title 4. Weapon Crimes
Subtitle 1. General Provisions

MD Code, Criminal Law, § 4-102
Formerly cited as MD CODE Art. 27, § 36A

§ 4-102. Deadly weapons on school property

Effective: March 14, 2016

[Currentness](#)

Exceptions

(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.

Prohibited

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

Penalty

(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.

Credits

Added by [Acts 2002, c. 26, § 2, eff. Oct. 1, 2002](#). Amended by [Acts 2002, c. 213, § 6, eff. Oct. 1, 2002](#); [Acts 2013, c. 427, § 1, eff. Oct. 1, 2013](#); [Acts 2015, c. 293, § 1, eff. Oct. 1, 2015](#); [Acts 2016, c. 9, § 1, eff. March 14, 2016](#).

Formerly Art. 27, § 36A.

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2002, c. 26):

This section is new language derived without substantive change from former Art. 27, § 36A.

In subsection (a)(2) of this section, the former reference to “Baltimore City” is deleted as included in the defined term “county” and for consistency with [ED § 1-101](#), which defines “county board” to include the New Baltimore City Board of School Commissioners.

In subsection (b) of this section, the former limitation “unless otherwise excepted in this section” is deleted in light of the express language in subsection (a) of this section providing exceptions to this section.

Also in subsection (b) of this section, the reference to a “firearm” is substituted for the former references to a “rifle” and a “gun” for brevity. It is clear that the reference to a “deadly weapon of any kind” includes all firearms.

Also in subsection (b) of this section, the former phrase “in this State” is deleted as implicit because the State has jurisdiction to prohibit activities only in this State.

In subsection (c)(1) of this section, the former reference to being sentenced “to the Maryland Department of Correction” is deleted for consistency within this article. Currently, inmates are sentenced to the custody of a unit such as the Division of Correction and then are placed in a particular facility. *See* [CS § 9-103](#).

In subsection (c)(2) of this section, the phrase “is convicted of carrying or possessing” a handgun is substituted for the former phrase “shall be found to carry” a handgun for clarity.

The Criminal Law Article Review Committee notes, for the consideration of the General Assembly, that in subsection (c)(1) of this section, the penalty for anyone possessing a weapon on school property is either imprisonment not exceeding 3 years or a fine not exceeding \$1,000 *but not both*. Although this is the same as the general penalty for carrying a concealed weapon under [§ 4-101\(d\)\(1\)](#) of this subtitle, the penalty for

a minor carrying pepper mace under § 4-101(d)(2) of this subtitle is imprisonment not exceeding 3 years or a fine not exceeding \$1,000 *or both*. The General Assembly may wish to address the disparities among these sentences.

Defined terms: “County” § 1-101

“Person” § 1-101

Notes of Decisions (4)

MD Code, Criminal Law, § 4-102, MD CRIM LAW § 4-102

Current through legislation effective July 1, 2018, from the 2018 Regular Session of the General Assembly

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