

A. Purpose

To outline the approach Frederick County Public Schools (FCPS) will take to implement Section 4-102 of the Criminal Law Article of the Maryland Annotated Code that makes it illegal to carry or possess a firearm, knife or deadly weapon of any kind on public school property.

B. Background

It is a serious offense to possess any firearm, knife or deadly weapon of any kind on any public school property in Maryland. Offenders face criminal prosecution from the State's Attorney's Office and severe personnel consequences from the school system. This regulation does not pertain to use of antique weapons for historical demonstrations and classroom presentations as outlined in [FCPS Regulation 200-47, Use of Antique Historical Weapons for Classroom Presentations](#) or exceptions as noted in Section D(1)(a) below.

C. Definitions

None.

D. Procedures

1. **Criminal Law and Penalties.** Section 4-102 of the Criminal Law Article of the Maryland Annotated Code makes it illegal to carry or possess a firearm, knife or deadly weapon of any kind on public school property. Section 4-102 states:
 - a. **Exceptions.** This section does not apply to:
 - i. a law enforcement officer in the regular course of the officer's duty;
 - ii. 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:
 1. the officer or retired officer is displaying the officer's or retired officer's badge or credential;
 2. the weapon carried or possessed by the officer or retired officer is concealed; and
 3. the officer or retired officer is authorized to carry a concealed handgun in the State;
 - iii. a person hired by a county Board of Education specifically for the purpose of guarding public school property;
 - iv. a person engaged in organized shooting activity for educational purposes; or
 - v. 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. **Prohibited.** A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property except as provided in sections D(1)(a)(i) and (ii) above.
- c. **Penalty**
 - i. Except as provided in Section 4-102(b) of the Criminal Law Article of the Maryland Annotated Code, 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.
 - ii. A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Title 4, Subtitle 2 of the Criminal Law Article of the Maryland Annotated Code.

2. **Personnel Consequences — Termination**

- a. With the exception of knives used in the performance of duties, or possession of a pen knife, FCPS employees are prohibited from possessing weapons on school property and disciplinary consequences may be imposed up to and including termination.
- b. The school system's personnel regulation does not apply to staff who use knives in the performance of their duties. Additionally, other staff are allowed to carry a penknife or pocketknife.

3. **Student Consequences.** Students violating this regulation shall be disciplined in accordance with the [FCPS Student Code of Conduct](#) and [FCPS Regulation 403-01](#), *Student Discipline*.

4. **Exception - Organized Educational Programs**

- a. For purposes of this regulation, an FCPS educational program is defined as the Reserve Officer Training Corps (ROTC) or a recognized drill competition that has been approved by the deputy superintendent.
- b. This regulation does not prohibit the use of air-powered rifles and mock weapons approved for and restricted to use in organized ROTC and drill competitions that have been approved by the deputy superintendent.

5. **Exception – Mace/Electronic Weapons.** Employees, unless prohibited by law, may possess mace or electronic weapons (e.g. tasers or stun guns) for a personal security measure, provided the employee can maintain control of the item and the employee can keep the item in a secure location to ensure students cannot access it while on school premises.

E. Related Information

1. **FCPS Regulations**

- a. [Regulation 200-47](#), *Use of Antique Historical Weapons for Classroom Presentations*
- b. [Regulation 403-01](#), *Student Discipline*

2. **FCPS Resources**

- a. [Parent/Student Handbook and Student Code of Conduct](#)

3. **Maryland Statutes**

- a. [Md. Code Ann., Crim. Law § 4-102](#)

F. Regulation History (Maintained by Legal Services)

<i>Responsible Office</i>	Office of Human Resources, Safety and Emergency Management Department
Adoption Dates	05/18/93
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