

By: Delegates Harkins, Bonsack, Bozman, T. Murphy, Perry, Minnick, Faulkner, D. Murphy, M. Burns, Brinkley, Owings, Valderrama, Jacobs, O'Donnell, Bissett, Hutchins, Snodgrass, Fry, Preis, and Petzold

Requested: October 6, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 Law Enforcement Officers, Sheriffs, and Correctional Officers Safety Act

3 FOR the purpose of making it a felony to remove or attempt to remove a firearm or other
4 weapon from certain law enforcement officers, sheriffs, and correctional officers if
5 the weapon is a firearm that is discharged during the offense; making it a
6 misdemeanor to remove or attempt to remove a firearm or other weapon from
7 certain law enforcement officers if a firearm is not discharged during the offense;
8 providing certain penalties; providing for the application of this Act; and generally
9 relating to crimes involving the removal or attempt at the removal of weapons from
10 law enforcement officers, sheriffs, and correctional officers.

11 BY adding to

12 Article 27 - Crimes and Punishments
13 Section 11B to be under the amended subheading "Assault on Law Enforcement
14 Officers, Sheriffs, and Correctional Officers"
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 Article 27 - Crimes and Punishments

20 Assault on[Police] LAW ENFORCEMENT OFFICERS, SHERIFFS, AND CORRECTIONAL
21 OFFICERS

22 11B.

23 (A) A PERSON MAY NOT REMOVE OR ATTEMPT TO REMOVE A FIREARM OR
24 OTHER WEAPON FROM THE POSSESSION OF ANOTHER PERSON IF:

25 (1) THE OTHER PERSON ACTS WITHIN THE COURSE AND SCOPE OF
26 EMPLOYMENT; AND

2

1 (2) THE PERSON HAS KNOWLEDGE OR CAUSE TO KNOW THAT THE
2 OTHER PERSON IS EMPLOYED AS:

3 (I) A LAW ENFORCEMENT OFFICER WHO, IN AN OFFICIAL
4 CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS;

5 (II) A SHERIFF, DEPUTY SHERIFF, OR ASSISTANT SHERIFF; OR

6 (III) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE
7 PATUXENT INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES,
8 THE DIVISION OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION
9 CENTER, OR ANY BOOKING FACILITY.

10 (B) IF THE WEAPON INVOLVED IN A VIOLATION OF THIS SECTION IS NOT A
11 FIREARM OR IS A FIREARM THAT IS NOT DISCHARGED, A PERSON WHO VIOLATES
12 THIS SECTION IS GUILTY OF THE MISDEMEANOR OF ASSAULT IN THE SECOND
13 DEGREE AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR
14 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

15 (C) IF THE WEAPON INVOLVED IN A VIOLATION OF THIS SECTION IS A
16 FIREARM THAT IS DISCHARGED, A PERSON WHO VIOLATES THIS SECTION IS GUILTY
17 OF THE FELONY OF ASSAULT IN THE FIRST DEGREE AND ON CONVICTION IS
18 SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 20 YEARS.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall only apply to
20 offenses committed on or after the effective date of this Act and may not be construed to
21 apply in any way to offenses committed before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1996.