

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 13, 1996

CHAPTER ____

1 AN ACT concerning

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

3 [TAG ftpo]FOR the purpose of making it a ~~felony to~~ crime to knowingly remove or attempt to
4 remove a firearm ~~or other weapon~~ from certain law enforcement officers, sheriffs,
5 and correctional officers ~~if the weapon is a firearm that is discharged during the~~
6 ~~offense; making it a misdemeanor to remove or attempt to remove a firearm or~~
7 ~~other weapon from certain law enforcement officers if a firearm is not discharged~~
8 during the offense under certain circumstances; providing certain penalties;
9 providing that a sentence for a violation of this Act may be imposed in a certain
10 manner; providing for the application of this Act; and generally relating to crimes
11 involving the removal or attempt at the removal of ~~weapons~~ firearms from law
12 enforcement officers, sheriffs, and correctional officers.

13 BY adding to

14 Article 27 - Crimes and Punishments

15 ~~Section 11B to be under the amended subheading "Assault on Law Enforcement~~

16 ~~Officers, Sheriffs, and Correctional Officers"~~

17 Section 36G-1

18 Annotated Code of Maryland

19 (1992 Replacement Volume and 1995 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article 27 - Crimes and Punishments**

2 ~~Assault on [Police] LAW ENFORCEMENT OFFICERS, SHERIFFS, AND~~
3 ~~CORRECTIONAL OFFICERS~~

4 ~~11B.~~

5 36G-1.

6 (A) A PERSON MAY NOT KNOWINGLY REMOVE OR ATTEMPT TO REMOVE A
7 FIREARM ~~OR OTHER WEAPON~~ FROM THE POSSESSION OF ANOTHER PERSON IF:

8 (1) THE OTHER PERSON ~~ACTS~~ IS LAWFULLY ACTING WITHIN THE
9 COURSE AND SCOPE OF EMPLOYMENT; AND

10 (2) THE PERSON HAS KNOWLEDGE OR ~~CAUSE~~ REASON TO KNOW THAT
11 THE OTHER PERSON IS EMPLOYED AS:

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

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

15 (III) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE
16 PATUXENT INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES,
17 THE DIVISION OF PAROLE AND PROBATION, ANY COUNTY JAIL OR DETENTION
18 CENTER, OR ANY BOOKING FACILITY.

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

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

28 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
29 AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR
30 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

31 (C) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE
32 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY
33 OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE UNDER THIS
34 SECTION.

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

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