
By: Delegate Kelly

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Firearms - Disarming a Law Enforcement Officer - Penalty**

3 FOR the purpose of establishing a mandatory sentence for knowingly removing or
4 attempting to remove a firearm from the possession of certain law enforcement
5 personnel; establishing that, subject to a certain exception, a person sentenced
6 under this Act is not eligible for parole; establishing that a sentence imposed under
7 this Act shall be served consecutive to a sentence for any offense based on an
8 underlying act; and generally relating to the penalty for disarming a law
9 enforcement officer.

10 BY repealing and reenacting, with amendments,
11 Article 27 - Crimes and Punishments
12 Section 36A-1
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

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

17 **Article 27 - Crimes and Punishments**

18 36A-1.

19 (a) A person may not knowingly remove or attempt to remove a firearm from the
20 possession of another person if:

21 (1) The other person is lawfully acting within the course and scope of
22 employment; and

23 (2) The person has knowledge or reason to know that the other person is
24 employed as:

25 (i) A law enforcement officer who, in an official capacity, is
26 authorized by law to make arrests;

27 (ii) A sheriff, deputy sheriff, or assistant sheriff; or

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1 (iii) An employee of the Division of Correction, the Patuxent
2 Institution, the Division of Pretrial Detention and Services, the Division of Parole and
3 Probation, any county jail or detention center, or any booking facility.

4 (b) A person who violates this section is guilty of a felony and on conviction is
5 subject to [a fine of not more than \$10,000 or] imprisonment for [not] A TERM OF NOT
6 LESS THAN 10 YEARS NOR more than [10] 20 years [or both], AND:

7 (1) IT IS MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE
8 MINIMUM SENTENCE OF 10 YEARS; AND

9 (2) EXCEPT AS PROVIDED IN ARTICLE 31B, § 11 OF THE CODE, THE
10 PERSON IS NOT ELIGIBLE FOR PAROLE.

11 (c) A sentence imposed under this section [may] SHALL be imposed separate
12 from and consecutive to [or concurrent with] a sentence for any offense based on the act
13 or acts establishing the offense under this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1997.