
By: **Senator Green**

Introduced and read first time: January 27, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing a mandatory sentence for knowingly removing or
4 attempting to remove a certain weapon from the possession of certain law
5 enforcement personnel; establishing that, subject to a certain exception, a
6 person sentenced under this Act is not eligible for parole; establishing that a
7 sentence imposed under this Act shall be served consecutive to a sentence for
8 any related offense; 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 and 1997 Supplement)

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,
20 CHEMICAL SPRAY, OR BATON from the 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

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 more than [10] 20
6 years or both.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
11 effect October 1, 1998.