
By: **Senator Green**

Introduced and read first time: January 27, 1998

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 24, 1998

CHAPTER _____

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~~ prohibiting a person from knowingly removing or
10 attempting to remove a chemical spray or baton from the possession of certain
11 law enforcement personnel; increasing the maximum term of imprisonment for
12 a certain offense; prohibiting certain sentences from being imposed concurrent
13 with a sentence for a certain related offense; and generally relating to certain
14 prohibitions against disarming certain law enforcement personnel.

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 36A-1
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1997 Supplement)

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

1

Article 27 - Crimes and Punishments

2 36A-1.

3 (a) A person may not knowingly remove or attempt to remove a firearm,
4 CHEMICAL SPRAY, OR BATON from the possession of another person if:

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

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

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

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

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

15 (b) A person who violates this section is guilty of a felony and on conviction is
16 subject to a fine of not more than \$10,000 or imprisonment for not more than [10] 20
17 years or both.

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

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