

HOUSE BILL 974

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HB 808/97 - JUD

1999 Regular Session
9r2257

By: **Delegate J. Kelly**
Introduced and read first time: February 12, 1999
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 minimum sentence for knowingly
4 removing or attempting to remove a firearm from the possession of certain law
5 enforcement personnel; increasing the maximum penalty for knowingly
6 removing or attempting to remove a firearm from the possession of certain law
7 enforcement personnel; establishing that, subject to a certain exception, a
8 person sentenced under this Act is not eligible for parole; establishing that a
9 sentence imposed under this Act shall be served consecutive to a sentence for
10 any offense based on an underlying act; and generally relating to the penalty for
11 disarming a law enforcement officer.

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 36A-1
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1998 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 36A-1.

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

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

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

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

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

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

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

8 (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
9 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS THAN 10 YEARS
10 AND NOT MORE THAN 20 YEARS.

11 (2) NOTWITHSTANDING ARTICLE 27, § 643 OF THE CODE, IT IS
12 MANDATORY ON THE COURT TO IMPOSE NO LESS THAN THE MINIMUM SENTENCE OF
13 10 YEARS IMPRISONMENT.

14 (3) THE MANDATORY MINIMUM SENTENCE OF 10 YEARS MAY NOT BE
15 SUSPENDED.

16 (4) EXCEPT AS PROVIDED IN TITLE 4 OF THE CORRECTIONAL SERVICES
17 ARTICLE, A PERSON SENTENCED UNDER THIS SECTION IS NOT ELIGIBLE FOR
18 PAROLE IN LESS THAN 10 YEARS.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1999.