

SENATE BILL 2

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SB 179/98 - JPR

1999 Regular Session
9lr0265

(PRE-FILED)

By: **Senator Green**

Requested: August 17, 1998

Introduced and read first time: January 13, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Weapons - Disarming Law Enforcement or Correctional Personnel - Penalty**

3 FOR the purpose of prohibiting a person from knowingly removing or attempting to
4 remove a chemical spray or baton from the possession of certain law
5 enforcement or correctional personnel; increasing the maximum term of
6 imprisonment for a certain offense; repealing authority to impose a concurrent
7 sentence under certain circumstances; authorizing the imposition of a certain
8 sentence separate from and consecutive to certain related offenses; and
9 generally relating to certain prohibitions against disarming certain law
10 enforcement or correctional personnel.

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

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

18 **Article 27 - Crimes and Punishments**

19 36A-1.

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

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

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

26 (i) A law enforcement officer who, in an official capacity, is
27 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] 20
7 years or both.

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

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