

HOUSE BILL 51

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HB 207/99 - JUD

2000 Regular Session
0lr0215

(PRE-FILED)

By: **Allegany County Delegation**

Requested: June 23, 1999

Introduced and read first time: January 12, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Warrantless Arrest on School Property - Assault**

3 FOR the purpose of authorizing a police officer to arrest without a warrant a person
4 who has committed an assault in the second degree if the assault occurred on
5 certain school property and the victim was a certain individual under certain
6 circumstances; and generally relating to warrantless arrests by police officers.

7 BY repealing and reenacting, without amendments,
8 Article 27 - Crimes and Punishments
9 Section 12(a) and (b), 12A, and 594B(e)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 27 - Crimes and Punishments
14 Section 594B(f)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1999 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 12.

21 (a) In this subheading the following words have the meanings indicated.

22 (b) Except as otherwise provided in this subheading, "assault" means the
23 offenses of assault, battery, and assault and battery, which terms retain their
24 judicially determined meanings.

1 12A.

2 (a) A person may not commit an assault.

3 (b) A person who violates this section is guilty of the misdemeanor of assault
4 in the second degree and on conviction is subject to a fine of not more than \$2,500 or
5 imprisonment for not more than 10 years or both.

6 594B.

7 (e) A police officer may arrest a person without a warrant if the officer has
8 probable cause to believe:

9 (1) That an offense listed in subsection (f) of this section has been
10 committed;

11 (2) That the person has committed the offense; and

12 (3) That unless the person is immediately arrested:

13 (i) The person may not be apprehended;

14 (ii) The person may cause injury to the person or damage to the
15 property of one or more other persons; or

16 (iii) The person may tamper with, dispose of, or destroy evidence.

17 (f) The offenses referred to in subsection (e) of this section are:

18 (1) Those offenses specified in the following sections of Article 27, as they
19 may be amended from time to time:

20 (i) Section 8(a) (relating to malicious burning);

21 (II) SECTION 12A (RELATING TO ASSAULT IN THE SECOND DEGREE),
22 IF:

23 1. THE ASSAULT OCCURRED ON THE PROPERTY OF AN
24 ELEMENTARY OR SECONDARY SCHOOL; AND

25 2. THE VICTIM OF THE ASSAULT WAS A TEACHER,
26 TEACHER'S ASSISTANT, PRINCIPAL, VICE PRINCIPAL, ADMINISTRATOR, OFFICIAL,
27 EMPLOYEE, VOLUNTEER, CONTRACTOR, OR EMPLOYEE OF A CONTRACTOR OF THE
28 SCHOOL OR SCHOOL SYSTEM;

29 [(ii)] (III) Section 36 (relating to carrying or wearing weapon);

30 [(iii)] (IV) Section 111 (relating to destroying, injuring, etc.,
31 property of another);

32 [(iv)] (V) Section 156 (relating to giving a false alarm of a fire);

- 1 [(v)] (VI) Section 287 (relating to possession of hypodermic
2 syringes, etc., restricted);
- 3 [(vi)] (VII) Sections 342 through 344 (theft) where the value of the
4 property stolen was less than \$300;
- 5 [(vii)] (VIII) Sections 276 through 302 (relating to drugs and other
6 dangerous substances) as they shall be amended from time to time;
- 7 [(viii)] (IX) Section 36B (relating to handguns);
- 8 [(ix)] (X) Section 388 (relating to manslaughter by automobile,
9 etc.); and
- 10 [(x)] (XI) Section 335A (relating to indecent exposure).
- 11 (2) Attempts to commit the offenses specified in the following sections of
12 Article 27 as they may be amended from time to time:
- 13 (i) Section 8(a) (relating to malicious burning);
- 14 (ii) Section 111 (relating to destroying, injuring, etc., property of
15 another);
- 16 (iii) Sections 342 through 344 (theft) where the value of the property
17 stolen was less than \$300;
- 18 (iv) Section 33A (relating to breaking into a building or boat with
19 intent to steal); or
- 20 (v) Sections 276 through 302 (relating to drugs and other
21 dangerous substances), as they shall be amended from time to time.
- 22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2000.