

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 483 (Delegate Barkley, *et al.*)
Judiciary

Warrantless Arrests - Weapons Offenses - School Property

This bill authorizes a police officer without a warrant to arrest a person if the officer has probable cause to believe that the person, while on school property, has committed any of specified offenses involving carrying, wearing, possessing, or transporting a weapon.

Fiscal Summary

State Effect: This additional authorization could be handled with the existing budgeted resources of State law enforcement units. Any additional arrests or convictions that may result from this bill are not expected to significantly affect the operations or finances of the Judiciary or the Department of Public Safety and Correctional Services.

Local Effect: This additional authorization could be handled with the existing budgeted resources of local law enforcement units. Any additional arrests or convictions that may result from this bill are not expected to significantly affect the operations or finances of the circuit courts or local correctional facilities.

Small Business Effect: None.

Analysis

Current Law: Generally, a police officer is required to have a warrant before arresting a person for a misdemeanor, unless the crime is committed in the presence of the police officer. There is a limited list of exceptions involving certain misdemeanors, but before a police officer may make a warrantless arrest for any of these offenses, the officer must have probable cause to believe that unless the offender is immediately arrested the

person: (1) may not be apprehended; (2) may cause injury to the person or damage to the property of one or more other persons; or (3) may tamper with, dispose of, or destroy evidence. Examples of these misdemeanor exceptions include malicious burning, carrying or wearing a weapon, and destroying property of another.

Additional Information

Prior Introductions: In 1999, SB 391/HB 907, as introduced, contained a provision that expanded the list of crimes for which a police officer may make a warrantless arrest to include carrying or possessing a deadly weapon on school property. Those bills, as passed (Chapters 561/562 of 1999), did not contain that provision.

Cross File: None.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader – February 26, 2001
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