
By: **Delegates Barkley, Dembrow, Grosfeld, Hutchins, and Petzold**
Introduced and read first time: February 1, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Warrantless Arrests - Weapons Crimes - School Property**

3 FOR the purpose of establishing that a police officer without a warrant may arrest a
4 student of a public school if the police officer has probable cause to believe that,
5 while on public school property, the student committed a certain weapons crime;
6 defining a certain term; and generally relating to warrantless arrests for certain
7 weapons crimes.

8 BY repealing and reenacting, without amendments,
9 Article - Criminal Procedure
10 Section 2-203
11 Annotated Code of Maryland
12 (2001 Volume)

13 BY adding to
14 Article - Criminal Procedure
15 Section 2-205.1
16 Annotated Code of Maryland
17 (2001 Volume)

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

20 **Article - Criminal Procedure**

21 2-203.

22 (a) A police officer without a warrant may arrest a person if the police officer
23 has probable cause to believe:

24 (1) that the person has committed a crime listed in subsection (b) of this
25 section; and

26 (2) that unless the person is arrested immediately, the person:

- 1 (i) may not be apprehended;
- 2 (ii) may cause physical injury or property damage to another; or
- 3 (iii) may tamper with, dispose of, or destroy evidence.

4 (b) The crimes referred to in subsection (a)(1) of this section are:

5 (1) manslaughter by automobile, motor vehicle, locomotive, engine, car,
6 streetcar, train, vessel, or other vehicle under Article 27, § 388 of the Code;

7 (2) malicious burning under Article 27, § 8(a) of the Code or an attempt
8 to commit the crime;

9 (3) malicious mischief under Article 27, § 111 of the Code or an attempt
10 to commit the crime;

11 (4) a theft crime where the value of the property or services stolen is less
12 than \$500 under Article 27, §§ 342 and 342A of the Code or an attempt to commit the
13 crime;

14 (5) the crime of giving or causing to be given a false alarm of fire under
15 Article 27, § 156 of the Code;

16 (6) indecent exposure under Article 27, § 335A of the Code;

17 (7) a crime that relates to controlled dangerous substances under Article
18 27, §§ 276 through 302 of the Code or an attempt to commit the crime;

19 (8) the wearing, carrying, or transporting of a handgun under Article 27,
20 § 36B of the Code;

21 (9) carrying or wearing a concealed weapon under Article 27, § 36 of the
22 Code; and

23 (10) prostitution and related crimes under Article 27, §§ 426 through 431
24 of the Code.

25 2-205.1.

26 (A) IN THIS SECTION, "PUBLIC SCHOOL" MEANS A SCHOOL IN THE PUBLIC
27 ELEMENTARY OR SECONDARY EDUCATION SYSTEM IN THIS STATE.

28 (B) A POLICE OFFICER WITHOUT A WARRANT MAY ARREST A STUDENT OF A
29 PUBLIC SCHOOL IF THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT,
30 WHILE ON PUBLIC SCHOOL PROPERTY, THE STUDENT COMMITTED A CRIME
31 SPECIFIED UNDER § 2-203(B)(8) OR (9) OF THIS SUBTITLE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2002.