

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 564
Judiciary

(Delegate Barkley, *et al.*)

Warrantless Arrests - Weapons Crimes - School Property

This bill authorizes a police officer to effect a warrantless arrest of a public school student if the police officer has probable cause to believe that, while on public school property, the student committed a crime of: (1) wearing, carrying, or transporting a handgun under Article 27, § 36B of the Code; or (2) carrying or wearing a concealed weapon under Article 27 § 36 of the Code.

Fiscal Summary

State Effect: None -- this bill codifies existing practice.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: It is a misdemeanor offense for any person (with limited exceptions) to carry or possess any rifle, gun, knife, or deadly weapon of any kind on any public school property in the State (Article 27 § 36A).

A police officer may arrest without a warrant a person who:

- commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer;

- the officer reasonably believes to have committed a felony or misdemeanor that is being committed in the presence or within the view of the police officer;
- has committed or attempted to commit a felony, whether or not in the presence or view of the officer, if the police officer has probable cause to believe that the felony has been committed or attempted; or
- the police officer has probable cause to believe that, unless arrested, may not be apprehended, may cause physical injury or property damage to another, or may tamper with, dispose of, or destroy evidence, and only where the person has committed one of the following crimes --
 - manslaughter by automobile, motor vehicle, locomotive, engine, car, streetcar, train, vessel, or other vehicle;
 - malicious burning or an attempt to commit such a crime;
 - malicious mischief or an attempt to commit such a crime;
 - a theft crime where the value of the property or services stolen is less than \$500 or an attempt to commit such a crime;
 - giving or causing to be given a false fire alarm;
 - indecent exposure;
 - a crime that relates to controlled dangerous substances or an attempt to commit such a crime;
 - the wearing, carrying, or transporting of a handgun under Article 27, § 36B of the Code;
 - carrying or wearing a concealed weapon under Article 27, § 36 of the Code; and
 - prostitution and related crimes.

Weapons offenses under Article 27, § 36 and 36B are misdemeanor offenses.

Additional Information

Prior Introductions: A similar bill was introduced in the 2001 session as HB 483. HB 483 received an unfavorable report from the Judiciary Committee. In the 1999 session, 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 enacted (Chapters 561 and 562 of 1999) no longer contained that provision.

Cross File: None.

Information Source(s): Montgomery County, Prince George's County, Frederick County, Department of Legislative Services

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