

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 806
Judiciary

(Delegate Donoghue)

Criminal Procedure - Warrantless Arrests - School Security

This bill authorizes a police officer to effect a warrantless arrest of a person for: (1) disturbing school activities; or (2) molesting or threatening students or school personnel. The officer must have probable cause to believe that, unless arrested, the person may not be apprehended, may cause physical injury or property damage to another, or may tamper with, dispose of, or destroy evidence

Fiscal Summary

State Effect: It is expected that any additional warrantless arrests made as a result of this bill would be processed using existing resources.

Local Effect: None -- see above.

Small Business Effect: None.

Analysis

Current Law: A person may not: (1) willfully disturb or otherwise willfully prevent the orderly conduct of the activities, administration, or classes of any institution of elementary, secondary, or higher education; or (2) molest or threaten with bodily harm any student, employee, administrator, agent, or any other individual who is lawfully (a) on the grounds or in the immediate vicinity of any institution of elementary, secondary, or higher education; (b) on a school vehicle; (c) at an activity sponsored by a school that is held off school property; or (d) on property that is owned by a county board and is used for administrative or other purposes.

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; or
- 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.

A police officer also may arrest without a warrant a person whom 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 alarm of fire;
- indecent exposure;
- a crime that relates to controlled dangerous substances or an attempt to commit such a crime;
- wearing, carrying, or transporting a handgun under Article 27, § 36B of the Code;
- carrying or wearing a concealed weapon under Article 27, § 36 of the Code; or
- prostitution and related crimes.

Additional Information

Prior Introductions: None.

Cross File: SB 473 (Senator Munson) - Judicial Proceedings.

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

Fiscal Note History: First Reader - February 21, 2002
lsc/cer

Analysis by: Debra A. Dickstein

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510