

HOUSE BILL 1191

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8lr0454

By: **Delegates DeBoy, Aumann, Barkley, Bates, Beidle, Bohanan, Boteler, Bromwell, G. Clagett, Conway, Costa, Donoghue, Elliott, Elmore, George, Guzzone, Hammen, Hecht, James, Jameson, Kelly, King, Kipke, Kramer, Lafferty, Levy, Malone, Mathias, McHale, Miller, Minnick, Olszewski, Riley, Rudolph, Schuler, Sophocleus, Stein, Tarrant, Weldon, and Wood**

Introduced and read first time: February 8, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Impersonation of a Police Officer - Penalties**

3 FOR the purpose of altering the classification of the crime of impersonating certain
4 police officers, special police officers, sheriffs, deputy sheriffs, constables, or
5 certain other law enforcement officers wearing a certain police article without a
6 certain authorization, or having a simulation or imitation of a certain police
7 article under certain circumstances from a misdemeanor to a felony and
8 increasing the penalties for a violation of the offense; and generally relating to
9 the crime of impersonating police officers, special police officers, sheriffs, deputy
10 sheriffs, constables, or certain other law enforcement officers.

11 BY repealing and reenacting, with amendments,
12 Article - Public Safety
13 Section 3-502
14 Annotated Code of Maryland
15 (2003 Volume and 2007 Supplement)

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

18 **Article - Public Safety**

19 3-502.

20 (a) In this section, "police officer" means a member of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (1) a police force of this State or another state;
- 2 (2) a police force of a county or municipal corporation of this State or
3 another state;
- 4 (3) the United States Secret Service Uniformed Division;
- 5 (4) the United States Park Police;
- 6 (5) the Federal Bureau of Investigation;
- 7 (6) the Drug Enforcement Administration; or
- 8 (7) a division of a federal agency the primary duties of which are the
9 investigation, apprehension, or detention of individuals suspected or convicted of
10 federal crimes.

11 (b) A person may not, with fraudulent design on person or property, falsely
12 represent that the person is a police officer, special police officer, sheriff, deputy
13 sheriff, or constable.

14 (c) Except as provided in subsection (e) of this section, a person may not
15 have, use, wear, or display a uniform, shield, button, ornament, badge, identification,
16 or shoulder patch adopted by the Department of State Police to be worn by its
17 members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy
18 sheriff, or constable.

19 (d) A person may not, for the purpose of deception, have a simulation or
20 imitation of an article described in subsection (c) of this section as is worn by a police
21 officer, sheriff, deputy sheriff, or constable.

22 (e) A person may have, use, wear, or display an article described in
23 subsection (c) of this section with the appropriate authority of:

- 24 (1) the Secretary of State Police;
- 25 (2) a police force of another state;
- 26 (3) the Police Commissioner of Baltimore City;
- 27 (4) the chief of police of a county or municipal corporation of this State
28 or another state;
- 29 (5) a sheriff or deputy sheriff;
- 30 (6) a constable;
- 31 (7) the United States Secret Service Uniformed Division;

- 1 (8) the United States Park Police;
- 2 (9) the Federal Bureau of Investigation;
- 3 (10) the Drug Enforcement Administration; or
- 4 (11) a division of a federal agency the primary duties of which are the
- 5 investigation, apprehension, or detention of individuals suspected or convicted of
- 6 federal crimes.

7 (f) A person who violates this section is guilty of a [misdemeanor] **FELONY**

8 and on conviction is subject to imprisonment not exceeding [2] **5** years or a fine not

9 exceeding [\$2,000] **\$5,000** or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

11 October 1, 2008.