

SENATE BILL 316

E1

8lr2253
CF HB 1191

By: **Senators Robey, Garagiola, Kasemeyer, King, Kittleman, Lenett, Munson, Peters, Pugh, and Stoltzfus**

Introduced and read first time: January 28, 2008

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2008

CHAPTER _____

1 AN ACT concerning

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

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

12 BY repealing and reenacting, with amendments,

13 Article - Public Safety

14 Section 3-502

15 Annotated Code of Maryland

16 (2003 Volume and 2007 Supplement)

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

19 **Article - Public Safety**

20 3-502.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) In this section, “police officer” means a member of:

2 (1) a police force of this State or another state;

3 (2) a police force of a county or municipal corporation of this State or
4 another state;

5 (3) the United States Secret Service Uniformed Division;

6 (4) the United States Park Police;

7 (5) the Federal Bureau of Investigation;

8 (6) the Drug Enforcement Administration; or

9 (7) a division of a federal agency the primary duties of which are the
10 investigation, apprehension, or detention of individuals suspected or convicted of
11 federal crimes.

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

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

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

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

25 (1) the Secretary of State Police;

26 (2) a police force of another state;

27 (3) the Police Commissioner of Baltimore City;

28 (4) the chief of police of a county or municipal corporation of this State
29 or another state;

30 (5) a sheriff or deputy sheriff;

31 (6) a constable;

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

8 (f) (1) A person who violates SUBSECTION (C) OF this section is guilty of a

9 ~~[misdemeanor]~~ ~~FELONY~~ and on conviction is subject to imprisonment not exceeding

10 ~~[2] 5~~ years or a fine not exceeding ~~[\$2,000]~~ **\$5,000** or both.

11 (2) A PERSON WHO VIOLATES SUBSECTION (B) OR (D) OF THIS

12 SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO

13 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR

14 BOTH.

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

16 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.