

HOUSE BILL 1388

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9lr0087

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 23, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Disarming a Law Enforcement Officer – Prohibition**

3 FOR the purpose of prohibiting a person from knowingly removing or attempting to
4 remove a baton, chemical defense spray, or taser stun device from the
5 possession of a law enforcement officer; and generally relating to the disarming
6 of a law enforcement officer.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Law
9 Section 4–103
10 Annotated Code of Maryland
11 (2002 Volume and 2008 Supplement)

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

14 **Article – Criminal Law**

15 4–103.

16 (a) In this section, “law enforcement officer” means:

17 (1) a law enforcement officer who, in an official capacity, is authorized
18 by law to make arrests;

19 (2) a sheriff, deputy sheriff, or assistant sheriff; or

20 (3) an employee of the Division of Correction, the Patuxent Institution,
21 the Division of Pretrial Detention and Services, the Division of Parole and Probation, a
22 local correctional facility, or any booking facility.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person may not knowingly remove or attempt to remove a firearm,
2 **BATON, CHEMICAL DEFENSE SPRAY, OR TASER STUN DEVICE** from the possession
3 of a law enforcement officer if:

4 (1) the law enforcement officer is lawfully acting within the course and
5 scope of employment; and

6 (2) the person has knowledge or reason to know that the law
7 enforcement officer is employed as a law enforcement officer.

8 (c) A person who violates this section is guilty of a felony and on conviction is
9 subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or
10 both.

11 (d) A sentence imposed under this section may be imposed separate from and
12 consecutive to or concurrent with a sentence for any crime based on the act or acts
13 establishing the violation under this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2009.