

[(i)] (1) Any handgun being worn, carried, or transported in violation of § 36B of this [article.] ARTICLE; AND

[(ii)] (2) All ammunition or other parts of or appurtenances to any such handgun worn, carried, or transported by such person or found in the immediate vicinity of such handgun.

(b) [(i)] (1) Any property subject to seizure under subsection (a) hereof may be seized by any duly authorized law enforcement officer, as an incident to an arrest or search and seizure.

[(ii)] (2) Any such officer seizing such property under this section shall either place the property under seal or remove the same to a location designated either by the Department of State Police or by the law enforcement agency having jurisdiction in the locality.

DRAFTER'S NOTE:

Error: Incorrect tabulation and omitted conjunction in Article 27, § 36C(a) and (b).

Occurred: Ch. 13, Acts of 1972.

36D.

(a) Any law enforcement officer who, in the light of his observations, information, and experience, has a reasonable belief that (i) a person may be wearing, carrying, or transporting a handgun in violation of § 36B of this article, (ii) by virtue of [his] THE PERSON'S possession of a handgun, such person is or may be presently dangerous to the officer or to others, (iii) it is impracticable, under the circumstances, to obtain a search warrant; and (iv) it is necessary for the officer's protection or the protection of others to take swift measures to discover whether such person is, in fact, wearing, carrying, or transporting a handgun, such officer [may] MAY:

(1) Approach the person and identify himself as a law enforcement officer;

(2) Request the person's name and address, and, if the person is in a vehicle, his license to operate the vehicle, and the vehicle's registration; [and]

(3) Ask such questions and request such explanations as may be reasonably calculated to determine whether the person is, in fact, unlawfully wearing, carrying, or transporting a handgun in violation of § 36B; [and,] AND

(4) [if] IF the person does not give an explanation which dispels the reasonable belief which [he] THE OFFICER had, [he may (4) Conduct] CONDUCT a search of the person, limited to a patting or frisking of the person's clothing in search of a handgun. The law enforcement officer in acting under this section shall do so with due regard to all circumstances of the occasion, including but not limited to the age, appearance, physical condition, manner, and sex of the person approached.

DRAFTER'S NOTE: