

penalty for anyone possessing a weapon on school property is either imprisonment not exceeding 3 years or a fine not exceeding \$1,000 *but not both*. Although this is the same as the general penalty for carrying a concealed weapon under § 4-101(d)(1) of this subtitle, the penalty for a minor carrying pepper mace under § 4-101(d)(2) of this subtitle is imprisonment not exceeding 3 years or a fine not exceeding \$1,000 *or both*. The General Assembly may wish to address the disparities among these sentences.

Defined terms: "County" § 1-101
"Person" § 1-101

4-103. DISARMING A LAW ENFORCEMENT OFFICER.

(A) "LAW ENFORCEMENT OFFICER" DEFINED.

IN THIS SECTION, "LAW ENFORCEMENT OFFICER" MEANS:

(1) A LAW ENFORCEMENT OFFICER WHO, IN AN OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS;

(2) A SHERIFF, DEPUTY SHERIFF, OR ASSISTANT SHERIFF; OR

(3) AN EMPLOYEE OF THE DIVISION OF CORRECTION, THE PATUXENT INSTITUTION, THE DIVISION OF PRETRIAL DETENTION AND SERVICES, THE DIVISION OF PAROLE AND PROBATION, A LOCAL CORRECTIONAL FACILITY, OR ANY BOOKING FACILITY.

(B) PROHIBITED.

A PERSON MAY NOT KNOWINGLY REMOVE OR ATTEMPT TO REMOVE A FIREARM FROM THE POSSESSION OF ANOTHER IF:

(1) THE OTHER IS LAWFULLY ACTING WITHIN THE COURSE AND SCOPE OF EMPLOYMENT; AND

(2) THE PERSON HAS KNOWLEDGE OR REASON TO KNOW THAT THE OTHER IS EMPLOYED AS A LAW ENFORCEMENT OFFICER.

(C) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

(D) SENTENCING.

A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME BASED ON THE ACT OR ACTS ESTABLISHING THE VIOLATION UNDER THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 36A-1.