

HOUSE BILL 159

E4
HB 211/22 – JUD

3lr0356

By: **Delegate Attar**

Introduced and read first time: January 16, 2023

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 23, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Warrantless Arrest – Straw Purchase Participant**

3 FOR the purpose of adding the crime of knowingly being a participant in a straw purchase
4 of a regulated firearm to the list of crimes subject to warrantless arrest; and
5 generally relating to warrantless arrest.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 2–203
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, without amendments,
12 Article – Public Safety
13 Section 5–141
14 Annotated Code of Maryland
15 (2022 Replacement Volume)

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

18 **Article – Criminal Procedure**

19 2–203.

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.



(a) A police officer without a warrant may arrest a person if the police officer has probable cause to believe:

(1) that the person has committed a crime listed in subsection (b) of this section; and

(2) that unless the person is arrested immediately, the person:

(i) may not be apprehended;

(ii) may cause physical injury or property damage to another; or

(iii) may tamper with, dispose of, or destroy evidence.

(b) The crimes referred to in subsection (a)(1) of this section are:

(1) manslaughter by vehicle or vessel under § 2–209 of the Criminal Law Article;

(2) malicious burning under § 6–104 or § 6–105 of the Criminal Law Article or an attempt to commit the crime;

(3) malicious mischief under § 6–301 of the Criminal Law Article or an attempt to commit the crime;

(4) a theft crime where the value of the property or services stolen is less than \$1,000 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to commit the crime;

(5) the crime of giving or causing to be given a false alarm of fire under § 9–604 of the Criminal Law Article;

(6) indecent exposure under § 11–107 of the Criminal Law Article;

(7) a crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;

(8) the wearing, carrying, or transporting of a handgun under § 4–203 or § 4–204 of the Criminal Law Article;

(9) carrying or wearing a concealed weapon under § 4–101 of the Criminal Law Article;

(10) prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article; [and]

(11) violation of a condition of pretrial or posttrial release under § 5–213.1 of this article; AND

(12) KNOWINGLY BEING A PARTICIPANT IN A STRAW PURCHASE OF A REGULATED FIREARM UNDER § 5–141 OF THE PUBLIC SAFETY ARTICLE.

Article – Public Safety

5–141.

(a) A dealer or other person may not be a knowing participant in a straw purchase of a regulated firearm for a minor or for a person prohibited by law from possessing a regulated firearm.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both.

(c) Each violation of this section is a separate crime.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.