

HOUSE BILL 109

Unofficial Copy  
E4

2001 Regular Session  
11r0831

---

By: **Delegates Petzold, Dembrow, Barkley, Grosfeld, and Barve**

Introduced and read first time: January 15, 2001

Assigned to: Commerce and Government Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2001

---

CHAPTER 188

1 AN ACT concerning

2 **Criminal Procedure - Mutual Aid Agreements - Nonemergency Aid**

3 FOR the purpose of expanding the authority of certain governing bodies to enter into  
4 certain mutual aid agreements under certain nonemergency circumstances; and  
5 generally relating to mutual aid agreements.

6 BY repealing and reenacting, with amendments,

7 Article - Criminal Procedure

8 Section 2-105

9 Annotated Code of Maryland

10 (As enacted by Chapter \_\_\_\_\_ (S.B. \_\_\_\_\_/H.B. \_\_\_\_\_) (11r0739) of the Acts of the

11 General Assembly of 2001)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Criminal Procedure**

15 2-105.

16 (a) In this section, "governing body" means:

17 (1) the county executive and county council of a charter county with a  
18 county executive;

19 (2) the county council of a charter county with no county executive;

20 (3) the board of county commissioners of a county; or

1 (4) the mayor and council, by whatever name known, of a municipal  
2 corporation.

3 (b) By action as in the regular routine for legislative enactment, the governing  
4 body of a county or municipal corporation may determine the circumstances under  
5 which the police officers and other officers, agents, and employees of the county or  
6 municipal corporation, together with all necessary equipment, may lawfully go or be  
7 sent beyond the boundaries of the county or municipal corporation to any place within  
8 or outside the State.

9 (c) (1) The acts done by the police officers or other officers, agents, or  
10 employees of a county or municipal corporation under the authority of subsection (b)  
11 of this section and the expenditures made by the county or municipal corporation are  
12 considered to be for a public and governmental purpose.

13 (2) When a county or municipal corporation is acting through its police  
14 officers or other officers, agents, or employees for a public or governmental purpose  
15 beyond its boundaries under this section or other lawful authority, the county or  
16 municipal corporation has the same immunities from liability that the county or  
17 municipal corporation has when acting through its police officers or other officers,  
18 agents, or employees for a public or governmental purpose within its boundaries.

19 (3) When the police officers or other officers, agents, or employees of a  
20 county or municipal corporation are acting beyond the boundaries of the county or  
21 municipal corporation within the State under this section or other lawful authority,  
22 the police officers and other officers, agents, and employees of the county or municipal  
23 corporation have the same immunity from liability described in § 5-612 of the Courts  
24 Article and exemptions from laws, ordinances, and regulations, and the same  
25 pension, relief, disability, workers' compensation, and other benefits as those persons  
26 have while performing their duties within the boundaries of the county or municipal  
27 corporation.

28 (d) In accordance with subsection (b) of this section, Allegany County and a  
29 municipal corporation in that county may make a reciprocal agreement to provide  
30 police officers and other officers, employees, and agents, together with all necessary  
31 equipment.

32 (e) (1) The governing body of a county or municipal corporation or the  
33 Maryland-National Capital Park and Planning Commission may make a reciprocal  
34 agreement for the period that it considers advisable with the District of Columbia or  
35 a county, municipal corporation, or the Maryland-National Capital Park and  
36 Planning Commission, within or outside the State, and establish and carry out a plan  
37 to provide mutual aid by providing its police officers and other officers, employees,  
38 and agents, together with all necessary equipment[, in an emergency] AS PROVIDED  
39 IN SUBSECTION (B) OF THIS SECTION.

40 (2) A county, municipal corporation, or the Maryland-National Capital  
41 Park and Planning Commission may not make a reciprocal agreement unless the  
42 agreement provides that each party shall:

1                   (i)       waive any and all claims that are against the other parties to  
2 the agreement and that may arise out of their activities outside their respective  
3 jurisdictions under the agreement; and

4                   (ii)       indemnify and hold harmless the other parties to the agreement  
5 from all claims by third parties that are for property damage or personal injury and  
6 that may arise out of the activities of the other parties to the agreement outside their  
7 respective jurisdictions under the agreement.

8       (f)       The governing body of a county or municipal corporation in the State may  
9 obtain or extend the necessary public liability insurance to cover claims that arise out  
10 of mutual aid agreements made with another county or municipal corporation outside  
11 the State.

12       (g)       The police officers and other officers, agents, and employees coming into  
13 the State under a reciprocal agreement under this section, may enforce the laws of the  
14 State to the same extent as authorized law enforcement officers of a county or  
15 municipal corporation in the State.

16       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
17 effect October 1, 2001.