
By: **Delegates Niemann, Hennessy, Kelley, Rosenberg, and Vallario**

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement - Mutual Aid Agreements - Maryland Vehicle Law**

3 FOR the purpose of clarifying that a police officer acting under a mutual aid
4 agreement authorized under a certain provision of law may enforce the
5 Maryland Vehicle Law beyond the police officer's sworn jurisdiction; and
6 generally relating to extrajurisdictional authority of police officers acting under
7 certain mutual aid agreements.

8 BY repealing and reenacting, with amendments,
9 Article - Criminal Procedure
10 Section 2-102(b)
11 Annotated Code of Maryland
12 (2001 Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 2-105
16 Annotated Code of Maryland
17 (2001 Volume and 2004 Supplement)

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

20 **Article - Criminal Procedure**

21 2-102.

22 (b) (1) Subject to the limitations of paragraph (3) of this subsection, a police
23 officer may make arrests, conduct investigations, and otherwise enforce the laws of
24 the State throughout the State without limitations as to jurisdiction.

25 (2) This section does not authorize a police officer who acts under the
26 authority granted by this section to enforce the Maryland Vehicle Law beyond the
27 police officer's sworn jurisdiction, UNLESS THE OFFICER IS ACTING UNDER A MUTUAL
28 AID AGREEMENT AUTHORIZED UNDER § 2-105 OF THIS SUBTITLE.

1 (3) A police officer may exercise the powers granted by this section when:

2 (i) 1. the police officer is participating in a joint investigation
3 with officials from another [State] STATE, federal, or local law enforcement unit, at
4 least one of which has local jurisdiction;

5 2. the police officer is rendering assistance to another police
6 officer;

7 3. the police officer is acting at the request of a police officer
8 or State Police officer; or

9 4. an emergency exists; and

10 (ii) the police officer is acting in accordance with regulations
11 adopted by the police officer's employing unit to carry out this section.

12 (4) The powers granted by this section are in addition to the powers
13 granted by §§ 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and
14 to the powers of fresh pursuit granted by Subtitle 3 of this title.

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

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

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

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

33 (2) When a county or municipal corporation is acting through its police
34 officers or other officers, agents, or employees for a public or governmental purpose
35 beyond its boundaries under this section or other lawful authority, the county or
36 municipal corporation has the same immunities from liability that the county or

1 municipal corporation has when acting through its police officers or other officers,
2 agents, or employees for a public or governmental purpose within its boundaries.

3 (3) When the police officers or other officers, agents, or employees of a
4 county or municipal corporation are acting beyond the boundaries of the county or
5 municipal corporation within the State under this section or other lawful authority,
6 the police officers and other officers, agents, and employees of the county or municipal
7 corporation have the same immunity from liability described in § 5-612 of the Courts
8 Article and exemptions from laws, ordinances, and regulations, and the same
9 pension, relief, disability, workers' compensation, and other benefits as those persons
10 have while performing their duties within the boundaries of the county or municipal
11 corporation.

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

16 (e) (1) The governing body of a county or municipal corporation or the
17 Maryland-National Capital Park and Planning Commission may make a reciprocal
18 agreement for the period that it considers advisable with the District of Columbia or
19 a county, municipal corporation, or the Maryland-National Capital Park and
20 Planning Commission, within or outside the State, and establish and carry out a plan
21 to provide mutual aid by providing its police officers and other officers, employees,
22 and agents, together with all necessary equipment as provided in subsection (b) of
23 this section.

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

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

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

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2005.