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By: **Delegates Niemann, Hennessy, Kelley, Rosenberg, and Vallario**  
Introduced and read first time: January 27, 2005  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Mutual Aid Agreements - Authority to Enforce Laws**

3 FOR the purpose of establishing that certain officers and other individuals acting  
4 under a certain mutual aid agreement may enforce the laws of the State to the  
5 same extent as certain law enforcement officers; and generally relating to the  
6 authority to enforce laws under mutual aid agreements.

7 BY repealing and reenacting, with amendments,  
8 Article - Criminal Procedure  
9 Section 2-105  
10 Annotated Code of Maryland  
11 (2001 Volume and 2004 Supplement)

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
- 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

1 sent beyond the boundaries of the county or municipal corporation to any place within  
2 or outside the State.

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

7 (2) When a county or municipal corporation is acting through its police  
8 officers or other officers, agents, or employees for a public or governmental purpose  
9 beyond its boundaries under this section or other lawful authority, the county or  
10 municipal corporation has the same immunities from liability that the county or  
11 municipal corporation has when acting through its police officers or other officers,  
12 agents, or employees for a public or governmental purpose within its boundaries.

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

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

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

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

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

40 (ii) indemnify and hold harmless the other parties to the agreement  
41 from all claims by third parties that are for property damage or personal injury and

1 that may arise out of the activities of the other parties to the agreement outside their  
2 respective jurisdictions under the agreement.

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

7 (g) (1) THE POLICE OFFICERS AND OTHER OFFICERS, AGENTS, AND  
8 EMPLOYEES COMING FROM ONE COUNTY OR MUNICIPAL CORPORATION TO  
9 ANOTHER WITHIN THE STATE UNDER A RECIPROCAL AGREEMENT UNDER THIS  
10 SECTION, MAY ENFORCE THE LAWS OF THE STATE TO THE SAME EXTENT AS  
11 AUTHORIZED LAW ENFORCEMENT OFFICERS OF THE RECEIVING COUNTY OR  
12 MUNICIPAL CORPORATION.

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

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