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

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2005

CHAPTER_____

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

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 as provided in subsection (b) of
39 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) (1) THE POLICE OFFICERS AND OTHER OFFICERS, AGENTS, AND
13 EMPLOYEES COMING FROM ONE COUNTY OR MUNICIPAL CORPORATION TO
14 ANOTHER WITHIN THE STATE UNDER A RECIPROCAL AGREEMENT UNDER THIS
15 SECTION, MAY ENFORCE THE LAWS OF THE STATE TO THE SAME EXTENT AS
16 AUTHORIZED LAW ENFORCEMENT OFFICERS OF THE RECEIVING COUNTY OR
17 MUNICIPAL CORPORATION.

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

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