

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 305

(Delegate Niemann, *et al.*)

Judiciary

Judicial Proceedings

Law Enforcement - Mutual Aid Agreements - Maryland Vehicle Law

This bill clarifies that a police officer acting under a lawful mutual aid agreement may enforce the Maryland Vehicle Law beyond the officer's sworn jurisdiction.

Fiscal Summary

State Effect: None. The bill's provisions codify current practice.

Local Effect: None. The bill's provisions codify current practice.

Small Business Effect: None.

Analysis

Current Law: Under certain provisions of the Criminal Procedure Article, a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the State without limitations as to jurisdiction. These provisions do not authorize a police officer who acts under this authority to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction.

The governing body of a county or municipal corporation may determine the circumstances under which the police officers and other officers, agents, and employees of the county or municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the county or municipal corporation to any place within or outside the State. The acts done by the officers, agents, or employees

under the authority of these provisions and the expenditures made by the county or municipal corporation are considered to be for a public and governmental purpose.

When a county or municipal corporation is acting through the officers, agents, or employees for a public or governmental purpose beyond its boundaries under these provisions or other lawful authority, the county or municipal corporation has the same immunities from liability as when acting through such persons within its boundaries. The officers, agents, or employees have the same immunity from liability described in the Courts Article and exemptions from laws, ordinances, and regulations, and the same pension, relief, disability, workers' compensation, and other benefits as those persons have while performing their duties within the boundaries of the county or municipal corporation.

The governing body of a county or municipal corporation or the Maryland-National Capital Park and Planning Commission may make a reciprocal agreement for the period that it considers advisable with the District of Columbia or a county, municipal corporation, or the Maryland-National Capital Park and Planning Commission, within or outside the State, and establish and carry out a plan to provide mutual aid by providing its police officers and other officers, employees, and agents, together with all necessary equipment, as provided under these provisions.

Background: Several police departments in northern Prince George's County have joined together to man sobriety checkpoints (Hyattsville, Mt. Rainier, Bladensburg, Riverdale Park, Greenbelt, and Laurel). An Attorney General's opinion of August 16, 2004, in response to a question involving the Prince George's County checkpoints, concluded that, if a municipality enters into a mutual aid agreement under applicable current law provisions to pool its resources with those of other municipalities to operate sobriety checkpoints, its police officers may enforce the relevant provisions of the Maryland Vehicle Law in the participating jurisdictions under that agreement.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of College Park, Montgomery County, Prince George's County, Judiciary (Administrative Office of the Courts), Department of State Police, Maryland Department of Transportation, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2005
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