

SENATE BILL 942

L2, E4

0lr3464
CF 0lr3463

By: **Senator Hayes (By Request – Baltimore City Administration)**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Police Officers – Warrantless Arrests**

3 FOR the purpose of authorizing a Baltimore City police officer without a warrant to arrest
4 a person suspected of committing battery against a certain Baltimore City special
5 enforcement officer, special parking enforcement officer, or special traffic
6 enforcement officer under certain circumstances; and generally relating to
7 warrantless arrests in Baltimore City.

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Baltimore City
10 Section 16–3
11 Article 4 – Public Local Laws of Maryland
12 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

15 **Article 4 – Baltimore City**

16 16–3.

17 (a) **(1)** All police officers of the department, including such other members
18 thereof who may be designated by the Commissioner from time to time to exercise the
19 powers and duties of police officers, shall be peace officers and shall have the same powers,
20 with respect to criminal matters, and the enforcement of the laws related thereto, as
21 sheriffs, constables, police and peace officers possessed at common law and have in their
22 respective jurisdictions.

23 **(2)** Any person charged with commission of crime in the City of Baltimore,
24 or in those areas outside the corporate limits of Baltimore City owned, controlled, operated

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or leased by the Mayor and City Council of Baltimore, and against whom criminal process
2 shall have issued, may be arrested upon the same in any part of the State by police officers
3 of the department, as constituted and established by this subtitle.

4 **(3) IN ADDITION TO OTHER POWERS GRANTED TO POLICE OFFICERS**
5 **OF THE DEPARTMENT, A POLICE OFFICER WITHOUT A WARRANT MAY ARREST A**
6 **PERSON IF:**

7 **(I) THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE**
8 **THAT:**

9 **1. THE PERSON BATTERED:**

10 **A. A SPECIAL ENFORCEMENT OFFICER AUTHORIZED**
11 **UNDER SECTION 16-16A OF THIS SUBTITLE;**

12 **B. A SPECIAL PARKING ENFORCEMENT OFFICER**
13 **AUTHORIZED UNDER SECTION 16-16B OF THIS SUBTITLE; OR**

14 **C. A SPECIAL TRAFFIC ENFORCEMENT OFFICER**
15 **AUTHORIZED UNDER SECTION 16-16C OF THIS SUBTITLE;**

16 **2. THERE IS EVIDENCE OF PHYSICAL INJURY; AND**

17 **3. UNLESS THE PERSON IS ARRESTED IMMEDIATELY,**
18 **THE PERSON:**

19 **A. MAY NOT BE APPREHENDED;**

20 **B. MAY CAUSE PHYSICAL INJURY OR PROPERTY**
21 **DAMAGE TO ANOTHER; OR**

22 **C. MAY TAMPER WITH, DISPOSE OF, OR DESTROY**
23 **EVIDENCE; AND**

24 **(II) A REPORT TO THE POLICE WAS MADE IMMEDIATELY**
25 **FOLLOWING THE ALLEGED INCIDENT AT THE SCENE OF THE ALLEGED INCIDENT.**

26 (b) All police officers of the department shall have and enjoy all the immunities
27 and matters of defense now available, or such as hereafter may be made available, to
28 sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against
29 them in consequence of acts done in the course of their official duties.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2020.