
By: Delegates Gordon, Barve, and Kirk

Introduced and read first time: January 20, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Powers**

3 FOR the purpose of authorizing a police officer to detain a person under certain
4 circumstances in an area that is not within the officer's jurisdiction for the purpose
5 of transferring the person to the custody of a local law enforcement agency;
6 requiring a police officer who detains a person under these circumstances to
7 immediately notify the local law enforcement agency; requiring the local law
8 enforcement agency to immediately arrest or release the person, as appropriate;
9 and generally relating to the powers of law enforcement officers.

10 BY repealing and reenacting, without amendments,
11 Article 27 - Crimes and Punishments
12 Section 594B(a), (b), (c), (d), (e), (f), (g), and (o)
13 Annotated Code of Maryland
14 (1996 Replacement Volume)

15 BY adding to
16 Article 27 - Crimes and Punishments
17 Section 594B(r)
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

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

22 **Article 27 - Crimes and Punishments**

23 594B.

24 (a) A police officer may arrest without a warrant any person who commits, or
25 attempts to commit, any felony or misdemeanor in the presence of, or within the view of,
26 such officer.

27 (b) A police officer who has probable cause to believe that a felony or
28 misdemeanor is being committed in the officer's presence or within the officer's view, may
29 arrest without a warrant any person whom the officer may reasonably believe to have
30 committed such offense.

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1 (c) A police officer may arrest a person without a warrant if the officer has
2 probable cause to believe that a felony has been committed or attempted and that such
3 person has committed or attempted to commit a felony whether or not in the officer's
4 presence or view.

5 (d) (1) A police officer may arrest a person without a warrant if:

6 (i) The officer has probable cause to believe that:

7 1. The person battered the person's spouse or other individual
8 with whom the person resides;

9 2. There is evidence of physical injury; and

10 3. Unless the person is immediately arrested:

11 A. The person may not be apprehended;

12 B. The person may cause injury to the person or damage to the
13 property of one or more other persons; or

14 C. The person may tamper with, dispose of, or destroy evidence;
15 and

16 (ii) A report to the police was made within 48 hours of the alleged
17 incident.

18 (2) If the police officer has probable cause to believe that mutual battery
19 occurred and arrest is necessary under this subsection, the officer shall consider whether
20 one of the parties acted in self-defense when making the determination whether to arrest
21 the person whom the officer believes to be the primary aggressor.

22 (e) A police officer may arrest a person without a warrant if the officer has
23 probable cause to believe:

24 (1) That an offense listed in subsection (f) of this section has been
25 committed;

26 (2) That the person has committed the offense; and

27 (3) That unless the person is immediately arrested:

28 (i) The person may not be apprehended;

29 (ii) The person may cause injury to the person or damage to the
30 property of one or more other persons; or

31 (iii) The person may tamper with, dispose of, or destroy evidence.

32 (f) The offenses referred to in subsection (e) of this section are:

33 (1) Those offenses specified in the following sections of Article 27, as they
34 may be amended from time to time:

35 (i) Section 8(a) (relating to malicious burning);

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- 1 (ii) Section 36 (relating to carrying or wearing weapon);
- 2 (iii) Section 111 (relating to destroying, injuring, etc., property of
3 another);
- 4 (iv) Section 156 (relating to giving a false alarm of a fire);
- 5 (v) Section 287 (relating to possession of hypodermic syringes, etc.,
6 restricted);
- 7 (vi) Sections 342 through 344 (theft) where the value of the property
8 stolen was less than \$300;
- 9 (vii) Sections 276 through 302 (relating to drugs and other dangerous
10 substances) as they shall be amended from time to time;
- 11 (viii) Section 36B (relating to handguns);
- 12 (ix) Section 388 (relating to manslaughter by automobile, motorboat,
13 etc.); and
- 14 (x) Section 335A (relating to indecent exposure).

15 (2) Attempts to commit the offenses specified in the following sections of
16 Article 27 as they may be amended from time to time:

- 17 (i) Section 8(a) (relating to malicious burning);
- 18 (ii) Section 111 (relating to destroying, injuring, etc., property of
19 another);
- 20 (iii) Sections 342 through 344 (theft) where the value of the property
21 stolen was less than \$300;
- 22 (iv) Section 33A (relating to breaking into a building or boat with
23 intent to steal);
- 24 (v) Sections 276 through 302 (relating to drugs and other dangerous
25 substances), as they shall be amended from time to time.

26 (g) For purposes of this section, the term "police officer" means any person who,
27 in an official capacity, is authorized by law to make arrests and who is:

- 28 (1) A member of the Department of State Police;
- 29 (2) A member of the Baltimore City Police Department;
- 30 (3) A member of the Baltimore City School Police Force;
- 31 (4) A member of the police department, bureau, or force of any county;
- 32 (5) A member of the police department, bureau, or force of any
33 incorporated city or town, except Baltimore City, which is a "qualifying municipality", as
34 defined in § 66(a)(7) and § 69 of Article 88B of this Code;

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1 (6) A member of the Mass Transit Administration Police Force, or the
2 Maryland Port Administration Police Force of the Department of Transportation or the
3 Maryland Transportation Authority Police Force;

4 (7) A member of the University of Maryland or Morgan State University
5 Police Force;

6 (8) Appointed, or given the powers of, a special policeman employed and
7 compensated by the State for the enforcement of law and the maintenance of order on
8 property of the State or of any of its agencies, or for the protection of such property; a
9 member of the Department of General Services security force;

10 (9) The sheriff of any county and whose usual duties include the making of
11 arrests;

12 (10) A regularly employed deputy sheriff of any county and who is
13 compensated by the county and whose usual duties include the making of arrests;

14 (11) A member of the Natural Resources Police of the Department of
15 Natural Resources;

16 (12) A member of the Investigative Services Unit of the Comptroller's Office;

17 (13) A member of the Maryland-National Capital Park and Planning
18 Commission Park Police;

19 (14) Housing Authority of Baltimore City Police Force; or

20 (15) A member of the Crofton Police Department.

21 (o) A police officer may arrest a person without a warrant if:

22 (1) The police officer has probable cause to believe a stalking under § 121B
23 of this article has been committed;

24 (2) The police officer has reason to believe that the alleged stalking victim
25 or a third person is in danger of imminent bodily harm or death; and

26 (3) The probable cause under paragraph (1) of this subsection is supported
27 by credible evidence other than statements of the alleged stalking victim.

28 (R) (1) IN THIS SUBSECTION, "JURISDICTION" MEANS THE AREA WITHIN
29 WHICH OR THE PROPERTY ON WHICH THE POLICE OFFICER HAS THE POWER TO
30 ARREST.

31 (2) IN ADDITION TO THE POWERS GRANTED UNDER § 298 OF THIS
32 ARTICLE AND OTHER PROVISIONS OF THIS SECTION, IF A POLICE OFFICER IS NOT
33 LOCATED WITHIN THE OFFICER'S JURISDICTION, THE OFFICER MAY DETAIN A
34 PERSON UNDER THE SAME CIRCUMSTANCES SPECIFIED IN SUBSECTIONS (A), (B), (C),
35 (D), (E), AND (O) OF THIS SECTION FOR A REASONABLE AMOUNT OF TIME FOR THE
36 PURPOSE OF TRANSFERRING THE PERSON TO THE CUSTODY OF A LOCAL LAW
37 ENFORCEMENT AGENCY.

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1 (3) A POLICE OFFICER WHO DETAINS A PERSON UNDER PARAGRAPH (2)
2 OF THIS SUBSECTION SHALL IMMEDIATELY NOTIFY A LOCAL LAW ENFORCEMENT
3 AGENCY THAT THE PERSON HAS BEEN DETAINED.

4 (4) UPON RECEIVING NOTICE UNDER PARAGRAPH (3) OF THIS
5 SUBSECTION, A LOCAL LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY ARREST
6 OR RELEASE THE PERSON, AS APPROPRIATE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1997.