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**By: Montgomery County and Prince George's County Delegations**

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **WMATA Police Force - Authorization for Warrantless Arrests**  
3 **MC/PG 21-97**

4 FOR the purpose of authorizing members of the Washington Metropolitan Area Transit  
5 Authority's metro transit police force, subject to specified jurisdictional limitations,  
6 to make an arrest without a warrant under certain circumstances.

7 BY repealing and reenacting, without amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 594B(a) through (f), inclusive, (j) through (l), inclusive, and (o)  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article 27 - Crimes and Punishments  
14 Section 594B(g)  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume)

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

19 **Article 27 - Crimes and Punishments**

20 594B.

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

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

28 (c) A police officer may arrest a person without a warrant if the officer has  
29 probable cause to believe that a felony has been committed or attempted and that such

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1 person has committed or attempted to commit a felony whether or not in the officer's  
2 presence or view.

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

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

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

7 2. There is evidence of physical injury; and

8 3. Unless the person is immediately arrested:

9 A. The person may not be apprehended;

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

12 C. The person may tamper with, dispose of, or destroy evidence;  
13 and

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

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

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

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

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

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

26 (i) The person may not be apprehended;

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

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

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

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

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

34 (ii) Section 36 (relating to carrying or wearing weapon);

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1 (iii) Section 111 (relating to destroying, injuring, etc., property of  
2 another);

3 (iv) Section 156 (relating to giving a false alarm of a fire);

4 (v) Section 287 (relating to possession of hypodermic syringes, etc.,  
5 restricted);

6 (vi) Sections 342 through 344 (theft) where the value of the property  
7 stolen was less than \$300;

8 (vii) Sections 276 through 302 (relating to drugs and other dangerous  
9 substances) as they shall be amended from time to time;

10 (viii) Section 36B (relating to handguns);

11 (ix) Section 388 (relating to manslaughter by automobile, motorboat,  
12 etc.); and

13 (x) Section 335A (relating to indecent exposure).

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

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

17 (ii) Section 111 (relating to destroying, injuring, etc., property of  
18 another);

19 (iii) Sections 342 through 344 (theft) where the value of the property  
20 stolen was less than \$300;

21 (iv) Section 33A (relating to breaking into a building or boat with  
22 intent to steal);

23 (v) Sections 276 through 302 (relating to drugs and other dangerous  
24 substances), as they shall be amended from time to time.

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

27 (1) A member of the Department of State Police;

28 (2) A member of the Baltimore City Police Department;

29 (3) A member of the Baltimore City School Police Force;

30 (4) A member of the police department, bureau, or force of any county;

31 (5) A member of the police department, bureau, or force of any  
32 incorporated city or town, except Baltimore City, which is a "qualifying municipality", as  
33 defined in § 66(a)(7) and § 69 of Article 88B of this Code;

34 (6) A member of the Mass Transit Administration Police Force, or the  
35 Maryland Port Administration Police Force of the Department of Transportation or the  
36 Maryland Transportation Authority Police Force;

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1 (7) A member of the University of Maryland or Morgan State University  
2 Police Force;

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

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

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

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

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

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

16 (14) Housing Authority of Baltimore City Police Force; [or]

17 (15) A member of the Crofton Police Department; OR

18 (16) A MEMBER OF THE WMATA METRO TRANSIT POLICE, SUBJECT TO  
19 THE JURISDICTIONAL LIMITATIONS UNDER ARTICLE XVI, § 76 OF THE WASHINGTON  
20 METROPOLITAN AREA TRANSIT AUTHORITY COMPACT, § 10-204 OF THE  
21 TRANSPORTATION ARTICLE.

22 (j) Nothing in this section shall impair any right of arrest otherwise existing under  
23 this Code.

24 (k) Nothing in this section deprives a person of the right to receive a citation for  
25 a traffic violation as provided in the Maryland Vehicle Law or for a criminal violation, as  
26 provided by law or rule of court.

27 (l) (1) (i) In this subsection the following words have the meanings  
28 indicated.

29 (ii) "Emergency" means a sudden or unexpected happening or an  
30 unforeseen combination of circumstances that calls for immediate action to protect the  
31 health, safety, welfare, or property of an individual from actual or threatened harm or  
32 from an unlawful act.

33 (iii) "Police officer" does not include a State Police officer.

34 (iv) "State Police officer" means a police employee as defined in  
35 Article 88B, § 2 of the Code.

36 (2) (i) Except as provided in subparagraph (ii) of this paragraph and  
37 subject to the limitations provided in paragraph (3) of this subsection, and in addition to  
38 the powers granted in § 298 of this article, a police officer of this State may make arrests,

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1 conduct investigations and otherwise enforce the laws of this State throughout the State  
2 without limitations as to jurisdiction.

3 (ii) Under this subsection a police officer may not enforce the  
4 provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction.

5 (3) A police officer may exercise the powers granted in this subsection if:

6 (i) 1. The police officer is participating in a joint investigation with  
7 officials from any other state, federal, or local law enforcement agency at least one of  
8 which shall have local jurisdiction;

9 2. The police officer is rendering assistance to a police officer;

10 3. The police officer is acting at the request of a local police  
11 officer or a State Police officer; or

12 4. An emergency exists; and

13 (ii) The police officer is acting in accordance with regulations adopted  
14 by the police officer's employing agency to implement this subsection.

15 (4) When acting under the authority granted in this subsection, the  
16 following notifications of an investigation or enforcement action shall be made:

17 (i) 1. When in an incorporated municipality, to the chief of police,  
18 if any, or the chief's designee;

19 2. When in a county that has a county police department, to the  
20 chief of police or the chief's designee;

21 3. When in a county without a police department, to the sheriff  
22 or the sheriff's designee;

23 4. When in Baltimore City, to the Police Commissioner or the  
24 Police Commissioner's designee;

25 5. When on any property owned, leased, operated by, or under  
26 the control of the Department of Natural Resources, to the Secretary of Natural  
27 Resources or the Secretary's designee; or

28 6. When on any property owned, leased, or operated by or  
29 under the control of the Maryland Transportation Authority, the Maryland Aviation  
30 Administration or the Maryland Port Administration, to the respective chief of police or  
31 the chief's designee; and

32 (ii) Unless there is an agreement otherwise with the Department of  
33 State Police, to the Department of State Police barrack commander or designee.

34 (5) When the police officer is acting under the authority granted in  
35 paragraph (3)(i)1 of this subsection, the notification required under paragraph (4) of this  
36 subsection shall be made at a reasonable time in advance.

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1                   (6) (i) When acting under the authority granted in this subsection, any  
2 police officer shall have all the immunities from liability and exemptions as that of a State  
3 Police officer in addition to any other immunities and exemptions to which the police  
4 officer may otherwise be entitled.

5                   (ii) Any police officer who uses the authority granted in this subsection  
6 shall at all times or for all purposes remain an employee of the respective employing  
7 agency.

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

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

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

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

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