
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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:

2

1 **Article 27 - Crimes and Punishments**

2 594B.

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

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

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

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

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

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

18 2. There is evidence of physical injury; and

19 3. Unless the person is immediately arrested:

20 A. The person may not be apprehended;

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

23 C. The person may tamper with, dispose of, or destroy evidence;

24 and

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

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

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

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

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

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

3

1 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 (1) A member of the Department of State Police;
- 2 (2) A member of the Baltimore City Police Department;
- 3 (3) A member of the Baltimore City School Police Force;
- 4 (4) A member of the police department, bureau, or force of any county;
- 5 (5) A member of the police department, bureau, or force of any
6 incorporated city or town, except Baltimore City, which is a "qualifying municipality", as
7 defined in § 66(a)(7) and § 69 of Article 88B of this Code;
- 8 (6) A member of the Mass Transit Administration Police Force, or the
9 Maryland Port Administration Police Force of the Department of Transportation or the
10 Maryland Transportation Authority Police Force;
- 11 (7) A member of the University of Maryland or Morgan State University
12 Police Force;
- 13 (8) Appointed, or given the powers of, a special policeman employed and
14 compensated by the State for the enforcement of law and the maintenance of order on
15 property of the State or of any of its agencies, or for the protection of such property; a
16 member of the Department of General Services security force;
- 17 (9) The sheriff of any county and whose usual duties include the making of
18 arrests;
- 19 (10) A regularly employed deputy sheriff of any county and who is
20 compensated by the county and whose usual duties include the making of arrests;
- 21 (11) A member of the Natural Resources Police of the Department of
22 Natural Resources;
- 23 (12) A member of the Investigative Services Unit of the Comptroller's Office;
- 24 (13) A member of the Maryland-National Capital Park and Planning
25 Commission Park Police;
- 26 (14) Housing Authority of Baltimore City Police Force; [or]
- 27 (15) A member of the Crofton Police Department; OR
- 28 (16) A MEMBER OF THE WMATA METRO TRANSIT POLICE, SUBJECT TO
29 THE JURISDICTIONAL LIMITATIONS UNDER ARTICLE XVI, § 76 OF THE WASHINGTON
30 METROPOLITAN AREA TRANSIT AUTHORITY COMPACT, § 10-204 OF THE
31 TRANSPORTATION ARTICLE.
- 32 (j) Nothing in this section shall impair any right of arrest otherwise existing under
33 this Code.
- 34 (k) Nothing in this section deprives a person of the right to receive a citation for
35 a traffic violation as provided in the Maryland Vehicle Law or for a criminal violation, as
36 provided by law or rule of court.

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

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

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

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

10 (2) (i) Except as provided in subparagraph (ii) of this paragraph and
11 subject to the limitations provided in paragraph (3) of this subsection, and in addition to
12 the powers granted in § 298 of this article, a police officer of this State may make arrests,
13 conduct investigations and otherwise enforce the laws of this State throughout the State
14 without limitations as to jurisdiction.

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

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

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

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

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

24 4. An emergency exists; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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