

HOUSE BILL 556

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SB 526/98 - JPR

1999 Regular Session
9lr0795

By: **Delegates Minnick, E. Burns, Zirkin, and D. Murphy (Baltimore County Administration) and Delegates Dembrow, Montague, Doory, O'Donnell, K. Kelly, Hutchins, Getty, and Amedori**

Introduced and read first time: February 11, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Extrajurisdictional Authority for Police Officers - Joint Operation**

3 FOR the purpose of authorizing a police officer to make arrests outside the officer's
4 jurisdiction if a warrant has been issued against a person and the police officer
5 is participating in a joint operation that is created by an agreement between the
6 primary law enforcement officers and the arrest occurs or is initiated within one
7 of the participating jurisdictions; providing for certain rights to immunity,
8 exemptions, and employment under certain circumstances; and generally
9 relating to a police officer's authority to act outside of the officer's jurisdiction.

10 BY adding to

11 Article 27 - Crimes and Punishments

12 Section 594C-2

13 Annotated Code of Maryland

14 (1996 Replacement Volume and 1998 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 27 - Crimes and Punishments**

18 594C-2.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "POLICE OFFICER" HAS THE MEANING PROVIDED IN § 594B(G) OF
22 THIS ARTICLE.

23 (3) "PRIMARY LAW ENFORCEMENT OFFICER" MEANS:

24 (I) IN AN INCORPORATED MUNICIPALITY, THE CHIEF OF POLICE, IF
25 ANY, OR THE CHIEF'S DESIGNEE;

1 (II) IN A COUNTY THAT HAS A COUNTY POLICE DEPARTMENT, THE
2 CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;

3 (III) IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE SHERIFF
4 OR THE SHERIFF'S DESIGNEE;

5 (IV) IN BALTIMORE CITY, THE POLICE COMMISSIONER OR THE
6 POLICE COMMISSIONER'S DESIGNEE;

7 (V) ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER
8 THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES, THE SECRETARY OF
9 NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE;

10 (VI) ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER
11 THE CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE MARYLAND
12 AVIATION ADMINISTRATION, OR THE MARYLAND PORT ADMINISTRATION, THE
13 RESPECTIVE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE; OR

14 (VII) THE SECRETARY OF THE STATE POLICE.

15 (B) A POLICE OFFICER MAY ARREST A PERSON THROUGHOUT THE STATE
16 WITHOUT LIMITATIONS AS TO JURISDICTION IF:

17 (1) A WARRANT HAS BEEN ISSUED AGAINST THE PERSON;

18 (2) THE POLICE OFFICER IS PARTICIPATING IN A JOINT OPERATION
19 THAT HAS BEEN CREATED BY AN AGREEMENT BETWEEN THE PRIMARY LAW
20 ENFORCEMENT OFFICERS;

21 (3) THE ARREST OCCURS WITHIN ONE OF THE PARTICIPATING
22 JURISDICTIONS PURSUANT TO THE AGREEMENT IN PARAGRAPH (2) OF THIS
23 SUBSECTION; AND

24 (4) THE POLICE OFFICER IS ACTING IN ACCORDANCE WITH
25 REGULATIONS ADOPTED BY THE POLICE OFFICER'S EMPLOYING AGENCY TO
26 IMPLEMENT THIS SECTION.

27 (C) (1) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SECTION,
28 A POLICE OFFICER SHALL HAVE ALL THE IMMUNITIES FROM LIABILITY AND
29 EXEMPTIONS AS THAT OF A STATE POLICE OFFICER IN ADDITION TO ANY OTHER
30 IMMUNITIES AND EXEMPTIONS TO WHICH THE POLICE OFFICER MAY OTHERWISE BE
31 ENTITLED.

32 (2) ANY POLICE OFFICER WHO USES THE AUTHORITY GRANTED IN THIS
33 SECTION SHALL AT ALL TIMES OR FOR ALL PURPOSES REMAIN AN EMPLOYEE OF THE
34 RESPECTIVE EMPLOYING AGENCY.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect July 1, 1999.