

SENATE BILL 826

Unofficial Copy
E4

2000 Regular Session
0lr2753
CF 0lr2736

By: **Senator Hafer**

Introduced and read first time: February 18, 2000

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Warrantless Arrest - State Forest and Park Service**
3 **Rangers**

4 FOR the purpose of adding a ranger of the State Forest and Park Service to the list of
5 police officers authorized to arrest a person without a warrant under certain
6 circumstances for certain offenses; and generally relating to the State Forest
7 and Park Service.

8 BY repealing and reenacting, without amendments,
9 Article 27 - Crimes and Punishments
10 Section 594B(a) through (f)
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 27 - Crimes and Punishments
15 Section 594B(g)
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 1999 Supplement)

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

20 **Article 27 - Crimes and Punishments**

21 594B.

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

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

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
3 such person has committed or attempted to commit a felony whether or not in the
4 officer's 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
8 individual 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
13 the property of one or more other persons; or

14 C. The person may tamper with, dispose of, or destroy
15 evidence; 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
20 whether one of the parties acted in self-defense when making the determination
21 whether to arrest 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:

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

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

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

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

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

- 30 (1) A member of the Department of State Police;
- 31 (2) A member of the Baltimore City Police Department;

- 1 (3) A member of the Baltimore City School Police Force;
- 2 (4) A member of the police department, bureau, or force of any county;
- 3 (5) A member of the police department, bureau, or force of any
4 incorporated city or town, except Baltimore City, which is a "qualifying municipality",
5 as defined in § 66(a)(7) and § 69 of Article 88B of this Code;
- 6 (6) A member of the Mass Transit Administration Police Force, or the
7 Maryland Port Administration Police Force of the Department of Transportation or
8 the Maryland Transportation Authority Police Force;
- 9 (7) A member of the University of Maryland or Morgan State University
10 Police Force;
- 11 (8) Appointed, or given the powers of, a special policeman employed and
12 compensated by the State for the enforcement of law and the maintenance of order on
13 property of the State or of any of its agencies, or for the protection of such property,
14 and includes a member of the Department of General Services security force;
- 15 (9) The sheriff of any county and whose usual duties include the making
16 of arrests;
- 17 (10) A regularly employed deputy sheriff of any county and who is
18 compensated by the county and whose usual duties include the making of arrests;
- 19 (11) A member of the Natural Resources Police of the Department of
20 Natural Resources;
- 21 (12) A member of the Investigative Services Unit of the Comptroller's
22 Office;
- 23 (13) A member of the Maryland-National Capital Park and Planning
24 Commission Park Police;
- 25 (14) A member of the Housing Authority of Baltimore City Police Force;
- 26 (15) A member of the Crofton Police Department;
- 27 (16) A member of the WMATA Metro Transit Police, subject to the
28 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
29 Area Transit Authority Compact, § 10-204 of the Transportation Article;
- 30 (17) Subject to subsections (i) and (m)(7) of this section, the State Fire
31 Marshal or a full-time investigative and inspection assistant of the Office of the State
32 Fire Marshal; [or]
- 33 (18) A member of the Internal Investigative Unit of the Department of
34 Public Safety and Correctional Services; OR

1 (19) A RANGER OF THE STATE FOREST AND PARK SERVICE OF THE
2 DEPARTMENT OF NATURAL RESOURCES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2000.