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By: **Chairman, Judiciary Committee and Chairman, Economic Matters  
Committee (Departmental - Labor, Licensing and Regulation)**

Introduced and read first time: January 24, 2001

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Arrest Without Warrants - Department of Labor,**  
3 **Licensing, and Regulation Police Force**

4 FOR the purpose of adding a member of the Department of Labor, Licensing, and  
5 Regulation Police Force to the definition of "police officer" under the law relating  
6 to arrests without warrants; and generally relating to the Department of Labor,  
7 Licensing, and Regulation Police Force.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 2-101(c)  
11 Annotated Code of Maryland  
12 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
13 2001)

14 BY repealing and reenacting, without amendments,  
15 Article - Criminal Procedure  
16 Section 2-202 through 2-206, inclusive  
17 Annotated Code of Maryland  
18 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
19 2001)

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

22 **Article - Criminal Procedure**

23 2-101.

24 (c) "Police officer" means a person who in an official capacity is authorized by  
25 law to make arrests and is:

26 (1) a member of the Department of State Police;

- 1 (2) a member of the Police Department of Baltimore City;
- 2 (3) a member of the Baltimore City School Police Force;
- 3 (4) a member of the police department, bureau, or force of a county;
- 4 (5) a member of the police department, bureau, or force of a municipal  
5 corporation;
- 6 (6) a member of the Mass Transit Administration Police Force, Maryland  
7 Port Administration Police Force, or Maryland Transportation Authority Police Force;
- 8 (7) a member of the University of Maryland Police Force or Morgan State  
9 University Police Force;
- 10 (8) a special policeman who is appointed to enforce the law and maintain  
11 order on or protect property of the State or any of its units;
- 12 (9) a member of the Department of General Services security force;
- 13 (10) the sheriff of a county and whose usual duties include the making of  
14 arrests;
- 15 (11) a regularly employed deputy sheriff of a county who is compensated  
16 by the county and whose usual duties include the making of arrests;
- 17 (12) a member of the Natural Resources Police Force of the Department  
18 of Natural Resources;
- 19 (13) an authorized employee of the Investigative Services Unit of the  
20 Comptroller's Office;
- 21 (14) a member of the Maryland-National Capital Park and Planning  
22 Commission Park Police;
- 23 (15) a member of the Housing Authority of Baltimore City Police Force;
- 24 (16) a member of the Crofton Police Department;
- 25 (17) a member of the WMATA Metro Transit Police, subject to the  
26 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan  
27 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation  
28 Article;
- 29 (18) a member of the Internal Investigative Unit of the Department; [or]
- 30 (19) a member of the State Forest and Park Service Police Force of the  
31 Department of Natural Resources; OR
- 32 (20) A MEMBER OF THE DEPARTMENT OF LABOR, LICENSING, AND  
33 REGULATION POLICE FORCE.

1 2-202.

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

5 (b) A police officer who has probable cause to believe that a felony or  
6 misdemeanor is being committed in the presence or within the view of the police  
7 officer may arrest without a warrant any person whom the police officer reasonably  
8 believes to have committed the crime.

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

13 2-203.

14 (a) A police officer without a warrant may arrest a person if the police officer  
15 has probable cause to believe:

16 (1) that the person has committed a crime listed in subsection (b) of this  
17 section; and

18 (2) that unless the person is arrested immediately, the person:

19 (i) may not be apprehended;

20 (ii) may cause physical injury or property damage to another; or

21 (iii) may tamper with, dispose of, or destroy evidence.

22 (b) The crimes referred to in subsection (a)(1) of this section are:

23 (1) manslaughter by automobile, motor vehicle, locomotive, engine, car,  
24 streetcar, train, vessel, or other vehicle under Article 27, § 388 of the Code;

25 (2) malicious burning under Article 27, § 8(a) of the Code or an attempt  
26 to commit the crime;

27 (3) malicious mischief under Article 27, § 111 of the Code or an attempt  
28 to commit the crime;

29 (4) a theft crime where the value of the property or services stolen is less  
30 than \$500 under Article 27, §§ 342 and 342A of the Code or an attempt to commit the  
31 crime;

32 (5) the crime of giving or causing to be given a false alarm of fire under  
33 Article 27, § 156 of the Code;

34 (6) indecent exposure under Article 27, § 335A of the Code;

1 (7) a crime that relates to controlled dangerous substances under Article  
2 27, §§ 276 through 302 of the Code or an attempt to commit the crime;

3 (8) the wearing, carrying, or transporting of a handgun under Article 27,  
4 § 36B of the Code; and

5 (9) carrying or wearing a concealed weapon under Article 27, § 36 of the  
6 Code.

7 2-204.

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

9 (1) the police officer has probable cause to believe that:

10 (i) the person battered the person's spouse or another person with  
11 whom the person resides;

12 (ii) there is evidence of physical injury; and

13 (iii) unless the person is arrested immediately, the person:

14 1. may not be apprehended;

15 2. may cause physical injury or property damage to another;  
16 or

17 3. may tamper with, dispose of, or destroy evidence; and

18 (2) a report to the police was made within 48 hours of the alleged  
19 incident.

20 (b) If the police officer has probable cause to believe that mutual battery  
21 occurred and arrest is necessary under subsection (a) of this section, the police officer  
22 shall consider whether one of the persons acted in self-defense when determining  
23 whether to arrest the person whom the police officer believes to be the primary  
24 aggressor.

25 2-205.

26 A police officer without a warrant may arrest a person if:

27 (1) the police officer has probable cause to believe the person has  
28 engaged in stalking under Article 27, § 124 of the Code;

29 (2) there is credible evidence other than the statements of the alleged  
30 stalking victim to support the probable cause under item (1) of this section; and

31 (3) the police officer has reason to believe that the alleged stalking  
32 victim or another person is in danger of imminent bodily harm or death.

1 2-206.

2 (a) This section applies during a public crisis, disaster, rioting, catastrophe, or  
3 similar public emergency, as these terms are defined in Article 41, § 2-101(b)(1) of the  
4 Code, and when public safety is imperiled, or on reasonable apprehension of  
5 immediate danger of public safety being imperiled.

6 (b) During a time described in subsection (a) of this section, the authority to  
7 make an arrest without a warrant granted to police officers under this title is granted  
8 to a person who:

9 (1) is serving under a proclamation of a state of emergency issued by the  
10 Governor, as provided in Article 41, § 2-101(c) of the Code, as:

11 (i) a member of a law enforcement unit that is listed in § 2-101(c)  
12 of this title; or

13 (ii) a member of the militia called into action by the Governor, as  
14 provided in Article 41, § 2-101(e) of the Code;

15 (2) is serving as a member of the militia ordered into active service by  
16 the Governor under Article 65, § 8 of the Code; or

17 (3) is a member of the armed forces of the United States under orders to  
18 aid civil authorities of the State in enforcing law and order, subject to subsection (c) of  
19 this section.

20 (c) The grant of authority under subsection (b)(3) of this section does not limit  
21 or impair any power or duty of a member of the armed forces of the United States or  
22 authorize any action incompatible with federal law or regulations.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2001.