
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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CHAPTER _____

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:

1

Article - Criminal Procedure

2 2-101.

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

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

6 (2) a member of the Police Department of Baltimore City;

7 (3) a member of the Baltimore City School Police Force;

8 (4) a member of the police department, bureau, or force of a county;

9 (5) a member of the police department, bureau, or force of a municipal
10 corporation;

11 (6) a member of the Mass Transit Administration Police Force, Maryland
12 Port Administration Police Force, or Maryland Transportation Authority Police Force;

13 (7) a member of the University of Maryland Police Force or Morgan State
14 University Police Force;

15 (8) a special policeman who is appointed to enforce the law and maintain
16 order on or protect property of the State or any of its units;

17 (9) a member of the Department of General Services security force;

18 (10) the sheriff of a county and whose usual duties include the making of
19 arrests;

20 (11) a regularly employed deputy sheriff of a county who is compensated
21 by the county and whose usual duties include the making of arrests;

22 (12) a member of the Natural Resources Police Force of the Department
23 of Natural Resources;

24 (13) an authorized employee of the Investigative Services Unit of the
25 Comptroller's Office;

26 (14) a member of the Maryland-National Capital Park and Planning
27 Commission Park Police;

28 (15) a member of the Housing Authority of Baltimore City Police Force;

29 (16) a member of the Crofton Police Department;

30 (17) a member of the WMATA Metro Transit Police, subject to the
31 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan

1 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation
2 Article;

3 (18) a member of the Internal Investigative Unit of the Department; [or]

4 (19) a member of the State Forest and Park Service Police Force of the
5 Department of Natural Resources; OR

6 (20) A MEMBER OF THE DEPARTMENT OF LABOR, LICENSING, AND
7 REGULATION POLICE FORCE.

8 2-202.

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

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

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

20 2-203.

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

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

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

26 (i) may not be apprehended;

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

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

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

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

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

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

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

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

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

9 (7) a crime that relates to controlled dangerous substances under Article
10 27, §§ 276 through 302 of the Code or an attempt to commit the crime;

11 (8) the wearing, carrying, or transporting of a handgun under Article 27,
12 § 36B of the Code; and

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

15 2-204.

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

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

18 (i) the person battered the person's spouse or another person with
19 whom the person resides;

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

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

22 1. may not be apprehended;

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

24 or

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

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

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

1 2-205.

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

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

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

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

9 2-206.

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

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

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

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

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

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

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

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

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

