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By: **Delegates Niemann, Hennessy, Kelley, Rosenberg, and Vallario**

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2005

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CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement - Mutual Aid Agreements - Maryland Vehicle Law**

3 FOR the purpose of clarifying that a police officer acting under a mutual aid  
4 agreement authorized under a certain provision of law may enforce the  
5 Maryland Vehicle Law beyond the police officer's sworn jurisdiction; and  
6 generally relating to extrajurisdictional authority of police officers acting under  
7 certain mutual aid agreements.

8 BY repealing and reenacting, with amendments,  
9 Article - Criminal Procedure  
10 Section 2-102(b)  
11 Annotated Code of Maryland  
12 (2001 Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,  
14 Article - Criminal Procedure  
15 Section 2-105  
16 Annotated Code of Maryland  
17 (2001 Volume and 2004 Supplement)

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

1 **Article - Criminal Procedure**

2 2-102.

3 (b) (1) Subject to the limitations of paragraph (3) of this subsection, a police  
4 officer may make arrests, conduct investigations, and otherwise enforce the laws of  
5 the State throughout the State without limitations as to jurisdiction.

6 (2) This section does not authorize a police officer who acts under the  
7 authority granted by this section to enforce the Maryland Vehicle Law beyond the  
8 police officer's sworn jurisdiction, UNLESS THE OFFICER IS ACTING UNDER A MUTUAL  
9 AID AGREEMENT AUTHORIZED UNDER § 2-105 OF THIS SUBTITLE.

10 (3) A police officer may exercise the powers granted by this section when:

11 (i) 1. the police officer is participating in a joint investigation  
12 with officials from another {State} STATE, federal, or local law enforcement unit, at  
13 least one of which has local jurisdiction;

14 2. the police officer is rendering assistance to another police  
15 officer;

16 3. the police officer is acting at the request of a police officer  
17 or State Police officer; or

18 4. an emergency exists; and

19 (ii) the police officer is acting in accordance with regulations  
20 adopted by the police officer's employing unit to carry out this section.

21 (4) The powers granted by this section are in addition to the powers  
22 granted by §§ 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and  
23 to the powers of fresh pursuit granted by Subtitle 3 of this title.

24 2-105.

25 (a) In this section, "governing body" means:

26 (1) the county executive and county council of a charter county with a  
27 county executive;

28 (2) the county council of a charter county with no county executive;

29 (3) the board of county commissioners of a county; or

30 (4) the mayor and council, by whatever name known, of a municipal  
31 corporation.

32 (b) By action as in the regular routine for legislative enactment, the governing  
33 body of a county or municipal corporation may determine the circumstances under  
34 which the police officers and other officers, agents, and employees of the county or

1 municipal corporation, together with all necessary equipment, may lawfully go or be  
2 sent beyond the boundaries of the county or municipal corporation to any place within  
3 or outside the State.

4 (c) (1) The acts done by the police officers or other officers, agents, or  
5 employees of a county or municipal corporation under the authority of subsection (b)  
6 of this section and the expenditures made by the county or municipal corporation are  
7 considered to be for a public and governmental purpose.

8 (2) When a county or municipal corporation is acting through its police  
9 officers or other officers, agents, or employees for a public or governmental purpose  
10 beyond its boundaries under this section or other lawful authority, the county or  
11 municipal corporation has the same immunities from liability that the county or  
12 municipal corporation has when acting through its police officers or other officers,  
13 agents, or employees for a public or governmental purpose within its boundaries.

14 (3) When the police officers or other officers, agents, or employees of a  
15 county or municipal corporation are acting beyond the boundaries of the county or  
16 municipal corporation within the State under this section or other lawful authority,  
17 the police officers and other officers, agents, and employees of the county or municipal  
18 corporation have the same immunity from liability described in § 5-612 of the Courts  
19 Article and exemptions from laws, ordinances, and regulations, and the same  
20 pension, relief, disability, workers' compensation, and other benefits as those persons  
21 have while performing their duties within the boundaries of the county or municipal  
22 corporation.

23 (d) In accordance with subsection (b) of this section, Allegany County and a  
24 municipal corporation in that county may make a reciprocal agreement to provide  
25 police officers and other officers, employees, and agents, together with all necessary  
26 equipment.

27 (e) (1) The governing body of a county or municipal corporation or the  
28 Maryland-National Capital Park and Planning Commission may make a reciprocal  
29 agreement for the period that it considers advisable with the District of Columbia or  
30 a county, municipal corporation, or the Maryland-National Capital Park and  
31 Planning Commission, within or outside the State, and establish and carry out a plan  
32 to provide mutual aid by providing its police officers and other officers, employees,  
33 and agents, together with all necessary equipment as provided in subsection (b) of  
34 this section.

35 (2) A county, municipal corporation, or the Maryland-National Capital  
36 Park and Planning Commission may not make a reciprocal agreement unless the  
37 agreement provides that each party shall:

38 (i) waive any and all claims that are against the other parties to  
39 the agreement and that may arise out of their activities outside their respective  
40 jurisdictions under the agreement; and

41 (ii) indemnify and hold harmless the other parties to the agreement  
42 from all claims by third parties that are for property damage or personal injury and

1 that may arise out of the activities of the other parties to the agreement outside their  
2 respective jurisdictions under the agreement.

3 (f) The governing body of a county or municipal corporation in the State may  
4 obtain or extend the necessary public liability insurance to cover claims that arise out  
5 of mutual aid agreements made with another county or municipal corporation outside  
6 the State.

7 (g) The police officers and other officers, agents, and employees coming into  
8 the State under a reciprocal agreement under this section, may enforce the laws of the  
9 State to the same extent as authorized law enforcement officers of a county or  
10 municipal corporation in the State.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2005.