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

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Assigned to: Judiciary

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House action: Adopted

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CHAPTER\_\_\_\_

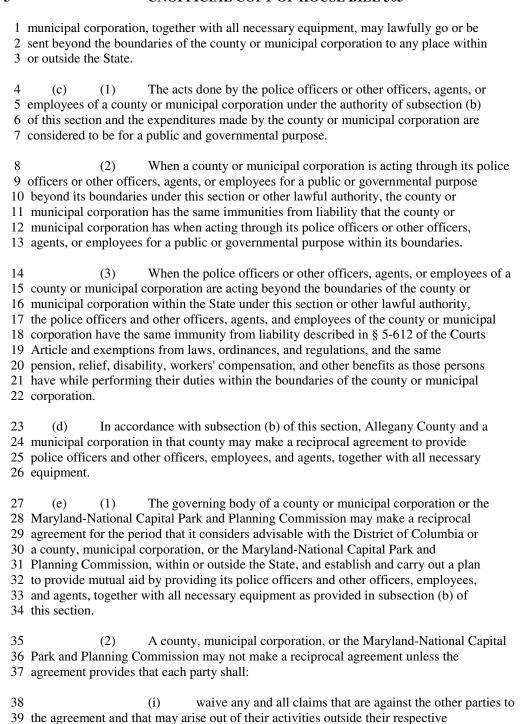
## 1 AN ACT concerning

## 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. Subject to the limitations of paragraph (3) of this subsection, a police 3 (b) (1) officer may make arrests, conduct investigations, and otherwise enforce the laws of 5 the State throughout the State without limitations as to jurisdiction. This section does not authorize a police officer who acts under the 6 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 AID AGREEMENT AUTHORIZED UNDER § 2-105 OF THIS SUBTITLE. 10 (3) A police officer may exercise the powers granted by this section when: 11 1. the police officer is participating in a joint investigation 12 with officials from another [State] STATE, federal, or local law enforcement unit, at least one of which has local jurisdiction; 14 2. the police officer is rendering assistance to another police 15 officer; 3. the police officer is acting at the request of a police officer 16 17 or State Police officer; or 18 4. an emergency exists; and 19 the police officer is acting in accordance with regulations (ii) 20 adopted by the police officer's employing unit to carry out this section. 21 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. In this section, "governing body" means: 25 (a) the county executive and county council of a charter county with a 26 (1) 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 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



42 from all claims by third parties that are for property damage or personal injury and

indemnify and hold harmless the other parties to the agreement

40 jurisdictions under the agreement; 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.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 12 October 1, 2005.