
By: **Charles County Delegation**

Introduced and read first time: February 8, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure - Service of Arrest Warrants**

3 FOR the purpose of adding to certain requirements relating to a police officer's
4 authority to arrest a person under certain circumstances by requiring that a
5 certain law enforcement officer be given certain advance notification; specifying
6 that a certain police officer need not be present at the time of a certain arrest;
7 creating a certain exception; making technical changes; and generally relating
8 to service of arrest warrants.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Procedure
11 Section 2-103
12 Annotated Code of Maryland
13 (2001 Volume and 2004 Supplement)

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

16 **Article - Criminal Procedure**

17 2-103.

18 (a) In this section, "primary law enforcement officer" means:

19 (1) the chief of police, if any, or the chief's designee, in a municipal
20 corporation;

21 (2) the chief of police or the chief's designee in a county with a county
22 police department;

23 (3) the sheriff or the sheriff's designee in a county without a police
24 department;

25 (4) the Police Commissioner or the Police Commissioner's designee in
26 Baltimore City;

1 (5) the Secretary of Natural Resources or the Secretary's designee on any
2 property owned, leased, operated by, or under the control of the Department of
3 Natural Resources;

4 (6) the respective chief of police or chief's designee on property owned,
5 leased, operated by, or under the control of the Maryland Aviation Administration, the
6 Maryland Port Administration, or the Maryland Transportation Authority; or

7 (7) the Secretary of [the] State Police.

8 (b) (1) A police officer may arrest a person throughout the State without
9 limitations as to jurisdiction if:

10 [(1)] (I) a warrant has been issued against the person;

11 [(2)] (II) the police officer is [participating in a joint operation created
12 by] ACTING UNDER an agreement between the primary law enforcement officers;

13 [(3)] (III) the arrest occurs within one of the participating jurisdictions in
14 accordance with the agreement; [and]

15 (IV) THE PRIMARY LAW ENFORCEMENT OFFICER OF THE
16 JURISDICTION IN WHICH THE ARREST TAKES PLACE HAS BEEN NOTIFIED OF THE
17 INTENDED ARREST IN ADVANCE; AND

18 [(4)] (V) the police officer is acting in accordance with regulations that
19 the police officer's employing unit adopts to carry out this section.

20 (2) A POLICE OFFICER OF THE JURISDICTION IN WHICH THE ARREST
21 TAKES PLACE NEED NOT BE PRESENT UNLESS THE PRIMARY LAW ENFORCEMENT
22 OFFICER OF THE JURISDICTION IN WHICH THE ARREST TAKES PLACE ORDERS IT.

23 (c) A police officer who acts under the authority granted by this section:

24 (1) has all the immunities from liability and exemptions as a State Police
25 officer in addition to any other immunities and exemptions to which the police officer
26 is otherwise entitled; and

27 (2) remains at all times and for all purposes an employee of the
28 employing unit.

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