

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Britt and ~~Giannetti~~, Giannetti, Green, Forehand, and Jacobs**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement - Mutual Aid ~~and Other~~ Agreements - Maryland Vehicle**
3 **Law**

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

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Procedure
12 Section 2-102(b)
13 Annotated Code of Maryland
14 (2001 Volume and 2004 Supplement)

1 BY repealing and reenacting, without amendments,
 2 Article - Criminal Procedure
 3 Section 2-105
 4 Annotated Code of Maryland
 5 (2001 Volume and 2004 Supplement)

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

8 **Article - Criminal Procedure**

9 2-102.

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

13 (2) This section does not authorize a police officer who acts under the
 14 authority granted by this section to enforce the Maryland Vehicle Law beyond the
 15 police officer's sworn jurisdiction, UNLESS THE OFFICER IS ACTING UNDER:

16 ~~(I)~~ A MUTUAL AID AGREEMENT AUTHORIZED UNDER § 2-105 OF
 17 THIS SUBTITLE; ~~OR~~

18 ~~(II) A WRITTEN AGREEMENT OR MEMORANDUM OF~~
 19 ~~UNDERSTANDING BETWEEN A SHERIFF AND ANOTHER LAW ENFORCEMENT~~
 20 ~~AGENCY.~~

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

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

25 2. the police officer is rendering assistance to another police
 26 officer;

27 3. the police officer is acting at the request of a police officer
 28 or State Police officer; or

29 4. an emergency exists; and

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

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

1 2-105.

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

3 (1) the county executive and county council of a charter county with a
4 county executive;

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

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

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

9 (b) By action as in the regular routine for legislative enactment, the governing
10 body of a county or municipal corporation may determine the circumstances under
11 which the police officers and other officers, agents, and employees of the county or
12 municipal corporation, together with all necessary equipment, may lawfully go or be
13 sent beyond the boundaries of the county or municipal corporation to any place within
14 or outside the State.

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

19 (2) When a county or municipal corporation is acting through its police
20 officers or other officers, agents, or employees for a public or governmental purpose
21 beyond its boundaries under this section or other lawful authority, the county or
22 municipal corporation has the same immunities from liability that the county or
23 municipal corporation has when acting through its police officers or other officers,
24 agents, or employees for a public or governmental purpose within its boundaries.

25 (3) When the police officers or other officers, agents, or employees of a
26 county or municipal corporation are acting beyond the boundaries of the county or
27 municipal corporation within the State under this section or other lawful authority,
28 the police officers and other officers, agents, and employees of the county or municipal
29 corporation have the same immunity from liability described in § 5-612 of the Courts
30 Article and exemptions from laws, ordinances, and regulations, and the same
31 pension, relief, disability, workers' compensation, and other benefits as those persons
32 have while performing their duties within the boundaries of the county or municipal
33 corporation.

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

38 (e) (1) The governing body of a county or municipal corporation or the
39 Maryland-National Capital Park and Planning Commission may make a reciprocal

1 agreement for the period that it considers advisable with the District of Columbia or
2 a county, municipal corporation, or the Maryland-National Capital Park and
3 Planning Commission, within or outside the State, and establish and carry out a plan
4 to provide mutual aid by providing its police officers and other officers, employees,
5 and agents, together with all necessary equipment as provided in subsection (b) of
6 this section.

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

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

13 (ii) indemnify and hold harmless the other parties to the agreement
14 from all claims by third parties that are for property damage or personal injury and
15 that may arise out of the activities of the other parties to the agreement outside their
16 respective jurisdictions under the agreement.

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

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

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