

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1514  
Judiciary

(Delegate Kelley)

Judicial Proceedings

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**Public Safety - National Capital Region Mutual Aid Agreements**

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This bill authorizes the State, a county, a municipality, or any other governmental agency within the "National Capital Region" to (1) enter into a reciprocal agreement for a period that it considers advisable with a federal agency, the Commonwealth of Virginia, the District of Columbia, or a county or municipality, within or outside the State; and (2) establish, train, and implement plans to request or provide mutual aid through the use of its officers, employees, and agents, together with all necessary equipment, in accordance with § 7302 of the Intelligence Reform and Terrorism Prevention Act of 2004.

The bill also provides that any provision or part of a State, local, or municipal corporation statute, law, or ordinance that requires a mutual aid agreement to contain additional terms or conditions is inapplicable to an agreement authorized by and entered into under these provisions.

The bill is effective June 1, 2005.

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**Fiscal Summary**

**State Effect:** None. The additional authority to enter reciprocal agreements granted under the bill would not affect State finances.

**Local Effect:** None. It is assumed that the additional authority to enter reciprocal agreements granted under the bill would only be acted upon within the existing budgeted resources of a local jurisdiction within the National Capital Region.

**Small Business Effect:** None.

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## Analysis

**Current Law/Background:** The federal Intelligence Reform and Terrorism Prevention Act of 2004 delegates authority to the U.S. Secretary of Transportation, in consultation with the U.S. Secretary of Homeland Security, to issue regulations with respect to minimum standards for federal acceptance of drivers' licenses and personal identification cards.

In addition, under § 7302, the new law provides that the mayor of the District of Columbia, any authorized representative of the federal government, the Governor of Maryland, the Governor of the Commonwealth of Virginia, or the chief operating officer of a locality, or their designees acting within his or her jurisdictional purview, may, in accordance with State law, enter into, request, or provide assistance under mutual aid agreements with localities, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Airports Authority, and any other governmental agency or authority for:

- law enforcement, fire, rescue, emergency health and medical services, transportation, communications, public works and engineering, mass care, and resource support in an emergency or public service event;
- preparing for, mitigating, managing, responding to, or recovering from any emergency or public service event; and
- training for any of these activities.

Maryland and Virginia are encouraged to facilitate the ability of localities to enter into interstate mutual aid agreements in the National Capital Region under these provisions.

These provisions:

- do not apply to law enforcement security operations at special events of national significance, or other law enforcement functions of the U.S. Secret Service;
- do not diminish any authorities, express or implied, of federal agencies to enter into mutual aid agreements in furtherance of their federal missions; and
- do not: (1) preclude any party from entering into supplementary mutual aid agreements with fewer than all the parties, or with another party; or (2) affect any other agreement in effect before the date of enactment of this Act among the States and localities, including the Emergency Management Assistance Compact.

Under certain provisions of the Criminal Procedure Article, a police officer may make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the

State without limitations as to jurisdiction. These provisions do not authorize a police officer who acts under this authority to enforce the Maryland Vehicle Law beyond the police officer's sworn jurisdiction.

The governing body of a county or municipal corporation may determine the circumstances under which the police officers and other officers, agents, and employees of the county or municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the county or municipal corporation to any place within or outside the State. The acts done by the officers, agents, or employees under the authority of these provisions and the expenditures made by the county or municipal corporation are considered to be for a public and governmental purpose.

When a county or municipal corporation is acting through the officers, agents, or employees for a public or governmental purpose beyond its boundaries under these provisions or other lawful authority, the county or municipal corporation has the same immunities from liability as when acting through such persons within its boundaries. The officers, agents, or employees have the same immunity from liability described in the Courts Article and exemptions from laws, ordinances, and regulations, and the same pension, relief, disability, workers' compensation, and other benefits as those persons have while performing their duties within the boundaries of the county or municipal corporation.

The governing body of a county or municipal corporation or the Maryland-National Capital Park and Planning Commission may make a reciprocal agreement for the period that it considers advisable with the District of Columbia or a county, municipal corporation, or the Maryland-National Capital Park and Planning Commission, within or outside the State, and establish and carry out a plan to provide mutual aid by providing its police officers and other officers, employees, and agents, together with all necessary equipment, as provided under these provisions.

**Local Fiscal Effect:** According to Montgomery County, the county fire service already has long standing mutual aid agreements with most of the jurisdictions in the National Capital area. The county has expressed a concern that the bill's provision relating to the inapplicability of an agreement's required additional terms or conditions, may "make any reimbursement possibilities more difficult." However, reimbursement is only done when an incident has become a federal issue or when an Interstate Compact provision is enacted.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Department of State Police, Anne Arundel County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2005  
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