

SENATE BILL 677

E2, D4

9lr2506
CF 9lr2806

By: **Senator Gladden**

Introduced and read first time: February 6, 2009

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Warrantless Arrest – Violation of Protective Order**

3 FOR the purpose of clarifying that a police officer is authorized to make a warrantless
4 arrest of a person in violation of a certain interim, temporary, or final protective
5 order under certain circumstances; and generally relating to warrantless
6 arrests and violation of protective orders.

7 BY repealing and reenacting, with amendments,
8 Article – Criminal Procedure
9 Section 2–203
10 Annotated Code of Maryland
11 (2008 Replacement Volume)

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 4–508.1(c) and 4–509(b)
15 Annotated Code of Maryland
16 (2006 Replacement Volume and 2008 Supplement)

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

19 **Article – Criminal Procedure**

20 2–203.

21 (a) A police officer without a warrant may arrest a person if the police officer
22 has probable cause to believe:

23 (1) that the person has committed a crime listed in subsection (b) of
24 this section; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) that unless the person is arrested immediately, the person:
- 2 (i) may not be apprehended;
- 3 (ii) may cause physical injury or property damage to another; or
- 4 (iii) may tamper with, dispose of, or destroy evidence.
- 5 (b) The crimes referred to in subsection (a)(1) of this section are:
- 6 (1) manslaughter by vehicle or vessel under § 2–209 of the Criminal
7 Law Article;
- 8 (2) malicious burning under § 6–104 or § 6–105 of the Criminal Law
9 Article or an attempt to commit the crime;
- 10 (3) malicious mischief under § 6–301 of the Criminal Law Article or an
11 attempt to commit the crime;
- 12 (4) a theft crime where the value of the property or services stolen is
13 less than \$500 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to
14 commit the crime;
- 15 (5) the crime of giving or causing to be given a false alarm of fire
16 under § 9–604 of the Criminal Law Article;
- 17 (6) indecent exposure under § 11–107 of the Criminal Law Article;
- 18 (7) a crime that relates to controlled dangerous substances under Title
19 5 of the Criminal Law Article or an attempt to commit the crime;
- 20 (8) the wearing, carrying, or transporting of a handgun under § 4–203
21 or § 4–204 of the Criminal Law Article;
- 22 (9) carrying or wearing a concealed weapon under § 4–101 of the
23 Criminal Law Article; [and]
- 24 (10) prostitution and related crimes under Title 11, Subtitle 3 of the
25 Criminal Law Article; **AND**
- 26 (11) **VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL**
27 **PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW**
28 **ARTICLE.**

1 4-508.1.

2 (c) A law enforcement officer shall arrest with or without a warrant and take
3 into custody a person whom the officer has probable cause to believe is in violation of
4 an order for protection that was issued by a court of another state or a Native
5 American tribe and is in effect at the time of the violation if the person seeking the
6 assistance of the law enforcement officer:

7 (1) has filed with the District Court or circuit court for the jurisdiction
8 in which the person seeks assistance a copy of the order; or

9 (2) displays or presents to the law enforcement officer a copy of the
10 order that appears valid on its face.

11 4-509.

12 (b) An officer shall arrest with or without a warrant and take into custody a
13 person who the officer has probable cause to believe is in violation of an interim,
14 temporary, or final protective order in effect at the time of the violation.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.