

## **Chapter 159**

**(House Bill 661)**

AN ACT concerning

### **Criminal Procedure – Arrest – Violation of Protective Order**

FOR the purpose of codifying in the Criminal Procedure Article a requirement in the Family Law Article that an officer arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a certain protective order; and generally relating to arrests for violations of protective orders.

BY adding to

Article – Criminal Procedure  
Section 2–204.1  
Annotated Code of Maryland  
(2008 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, without amendments,

Article – Family Law  
Section 4–508.1(c) and 4–509(b)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2009 Supplement)

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

#### **Article – Criminal Procedure**

##### **2–204.1.**

**A POLICE OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF A PROTECTIVE ORDER AS DESCRIBED IN § 4–508.1(C) OR § 4–509(B) OF THE FAMILY LAW ARTICLE.**

#### **Article – Family Law**

##### **4–508.1.**

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native

American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

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

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

4-509.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, April 13, 2010.**