

SENATE BILL 551

E2

2lr0981

By: **Senator Carter**

Introduced and read first time: January 31, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Fresh Pursuit by Law Enforcement – Requirements and**
3 **Prohibitions**

4 FOR the purpose of establishing requirements for a law enforcement officer to engage in a
5 certain fresh pursuit of a person in a vehicle; requiring the Department of State
6 Police to conduct a certain investigation if serious injury or death occurs as the result
7 of a certain fresh pursuit of a person; and generally relating to fresh pursuit by law
8 enforcement.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Procedure
11 Section 2–301
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

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

16 **Article – Criminal Procedure**

17 2–301.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “CARAVANNING” MEANS THE PRACTICE, DURING A VEHICLE
21 FRESH PURSUIT, OF MORE THAN TWO EMERGENCY VEHICLES TRAVELING IN A
22 RELATIVE SINGLE FILE, WITH LESS THAN SUFFICIENT REACTIONARY DISTANCE
23 BETWEEN THE VEHICLES TO ADJUST FOR SUDDEN MOVEMENTS OR ACTIONS BY THE
24 PRECEDING VEHICLES.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “DANGEROUS ACT” MEANS:**

2 **(I) MURDER;**

3 **(II) ATTEMPTED MURDER;**

4 **(III) ARSON IN THE FIRST DEGREE UNDER § 6-102 OF THE**
5 **CRIMINAL LAW ARTICLE;**

6 **(IV) RAPE IN THE FIRST DEGREE;**

7 **(V) ASSAULT IN THE FIRST DEGREE UNDER § 3-202 OF THE**
8 **CRIMINAL LAW ARTICLE;**

9 **(VI) ROBBERY UNDER § 3-403 OF THE CRIMINAL LAW ARTICLE;**

10 **(VII) KIDNAPPING;**

11 **(VIII) TRANSPORTING EXPLOSIVES WITHOUT THE PROPER**
12 **AUTHORIZATION; OR**

13 **(IX) TRANSPORTING HAZARDOUS MATERIALS IN VIOLATION OF**
14 **§§ 21-1411 AND 22-409 OF THE TRANSPORTATION ARTICLE.**

15 **(4) (I) “PURSUIT INTERVENTION” MEANS AN ATTEMPT TO**
16 **TERMINATE THE ABILITY OF A PERSON BEING PURSUED TO CONTINUE TO FLEE IN A**
17 **VEHICLE.**

18 **(II) “PURSUIT INTERVENTION” INCLUDES:**

19 **1. BOXING IN;**

20 **2. ROADBLOCK PROCEDURES;**

21 **3. LOW-SPEED MANEUVERS CAUSING THE PURSUED**
22 **VEHICLE TO SPIN OUT OF CONTROL AND COME TO A STOP; AND**

23 **4. RAMMING.**

24 **(5) “SERIOUS INJURY” HAS THE MEANING STATED IN § 3-201 OF THE**
25 **CRIMINAL LAW ARTICLE.**

1 **[(a)] (B)** This section applies to a law enforcement officer of a jurisdiction in the
2 State who engages in fresh pursuit of a person in the State.

3 **[(b)] (C)** (1) Fresh pursuit is pursuit that is continuous and without
4 unreasonable delay.

5 (2) Fresh pursuit need not be instant pursuit.

6 (3) In determining whether the pursuit meets the elements of fresh
7 pursuit, a court shall apply the requirements of the common law definition of fresh pursuit
8 that relates to these elements.

9 **[(c)] (D)** **[A] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**
10 law enforcement officer may engage in fresh pursuit of a person who:

11 (1) has committed or is reasonably believed by the law enforcement officer
12 to have committed a felony in the jurisdiction in which the law enforcement officer has the
13 power of arrest; or

14 (2) has committed a misdemeanor in the presence of the law enforcement
15 officer in the jurisdiction in which the law enforcement officer has the power of arrest.

16 **(E) A LAW ENFORCEMENT OFFICER MAY NOT ENGAGE IN FRESH PURSUIT**
17 **OF A PERSON IN A VEHICLE UNLESS:**

18 **(1) THE LAW ENFORCEMENT OFFICER HAS ACTUAL KNOWLEDGE**
19 **THAT THE PERSON IN THE VEHICLE HAS COMMITTED A DANGEROUS ACT;**

20 **(2) THE PERSON POSES AN IMMINENT DANGER TO THE COMMUNITY;**

21 **(3) THE LAW ENFORCEMENT OFFICER KNOWS OR HAS REASON TO**
22 **KNOW THAT THE PERSON IN THE VEHICLE CANNOT BE PURSUED IN ANOTHER WAY,**
23 **INCLUDING BY A GLOBAL POSITIONING SYSTEM OR POLICE HELICOPTER; AND**

24 **(4) THE LAW ENFORCEMENT OFFICER HAS RECEIVED SUPERVISORY**
25 **APPROVAL FROM A SUPERVISOR NOT INVOLVED IN THE FRESH PURSUIT.**

26 **(F) A LAW ENFORCEMENT OFFICER SHALL USE DE-ESCALATION**
27 **TECHNIQUES, TO THE EXTENT PRACTICABLE, BEFORE ENGAGING IN FRESH PURSUIT**
28 **OF A PERSON.**

29 **(G) DURING THE COURSE OF A FRESH PURSUIT OF A PERSON BY VEHICLE, A**
30 **LAW ENFORCEMENT OFFICER SHALL:**

31 **(1) USE EMERGENCY LIGHTS AND SIRENS ON ALL VEHICLES;**

1 **(2) SUMMON A POLICE HELICOPTER AS SOON AS PRACTICABLY**
2 **POSSIBLE IF ONE IS AVAILABLE WITHIN THE JURISDICTION IN WHICH THE LAW**
3 **ENFORCEMENT OFFICER IS LOCATED;**

4 **(3) NOT EXCEED THE POSTED SPEED LIMIT IN RESIDENTIAL AREAS BY**
5 **MORE THAN 15 MILES PER HOUR;**

6 **(4) NOT EXCEED THE POSTED SPEED LIMIT IN COMMERCIAL AREAS BY**
7 **MORE THAN 25 MILES PER HOUR;**

8 **(5) IN RESIDENTIAL URBAN AREAS, COME TO A COMPLETE AND FULL**
9 **STOP AT ALL INTERSECTIONS;**

10 **(6) IN RESIDENTIAL NONURBAN AREAS AND COMMERCIAL AREAS,**
11 **SLOW DOWN AND CLEAR ALL INTERSECTIONS OF ALL CROSS TRAFFIC BEFORE**
12 **CONTINUING TO PURSUE; AND**

13 **(7) UPDATE A SUPERVISOR OF THE SUSPECTED SPEED AND TRAFFIC**
14 **VIOLATIONS COMMITTED BY THE PERSON BEING PURSUED.**

15 **(H) IF A POLICE HELICOPTER ENGAGES IN A FRESH PURSUIT OF A PERSON,**
16 **A LAW ENFORCEMENT OFFICER IN A VEHICLE MAY FOLLOW IN THE GENERAL**
17 **DIRECTION OF THE PURSUIT WHILE OBEYING ALL TRAFFIC LAWS.**

18 **(I) DURING THE COURSE OF A FRESH PURSUIT OF A PERSON BY A VEHICLE,**
19 **A LAW ENFORCEMENT OFFICER MAY NOT:**

20 **(1) ENGAGE IN PURSUIT INTERVENTIONS;**

21 **(2) ENGAGE IN CARAVANNING;**

22 **(3) DRIVE AGAINST THE FLOW OF TRAFFIC; OR**

23 **(4) REACH INSIDE THE PURSUED VEHICLE WHILE IT IS MOVING OR**
24 **UNDER THE CONTROL OF THE PERSON BEING PURSUED.**

25 **[(d)] (J) A law enforcement officer who is engaged in fresh pursuit of a person**
26 **may:**

27 **(1) arrest the person anywhere in the State and hold the person in custody;**
28 **and**

1 (2) return the person to the jurisdiction in which a court has proper venue
2 for the crime alleged to have been committed by the person.

3 **(K) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A SERIOUS**
4 **INJURY OR DEATH OCCURS AS THE RESULT OF A FRESH PURSUIT, THE DEPARTMENT**
5 **OF STATE POLICE SHALL CONDUCT AN INVESTIGATION OF:**

6 **(1) THE NECESSITY OF THE PURSUIT; AND**

7 **(2) WHETHER THE LAW ENFORCEMENT OFFICER WAS IN COMPLIANCE**
8 **WITH THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.