

HOUSE BILL 1107

L2, E4

6lr3098

By: **Delegate Anderson (By Request – Baltimore City Administration)**

Introduced and read first time: February 11, 2016

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2016

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Police Officers – Warrantless Arrests**

3 FOR the purpose of authorizing a Baltimore City police officer without a warrant to arrest
4 a person suspected of committing battery against a certain Baltimore City special
5 enforcement officer, special parking enforcement officer, or special traffic
6 enforcement officer under certain circumstances; requiring a certain police officer to
7 consider whether a person acted in self-defense if mutual battery is suspected; and
8 generally relating to warrantless arrests in Baltimore City.

9 BY repealing and reenacting, with amendments,
10 The Public Local Laws of Baltimore City
11 Section 16–3
12 Article 4 – Public Local Laws of Maryland
13 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

16 **Article 4 – Baltimore City**

17 16–3.

18 (a) **(1)** All police officers of the department, including such other members
19 thereof who may be designated by the Commissioner from time to time to exercise the
20 powers and duties of police officers, shall be peace officers and shall have the same powers,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 with respect to criminal matters, and the enforcement of the laws related thereto, as
2 sheriffs, constables, police and peace officers possessed at common law and have in their
3 respective jurisdictions.

4 **(2)** Any person charged with commission of crime in the City of Baltimore,
5 or in those areas outside the corporate limits of Baltimore City owned, controlled, operated
6 or leased by the Mayor and City Council of Baltimore, and against whom criminal process
7 shall have issued, may be arrested upon the same in any part of the State by police officers
8 of the department, as constituted and established by this subtitle.

9 **(3) IN ADDITION TO OTHER POWERS GRANTED TO POLICE OFFICERS**
10 **OF THE DEPARTMENT, A POLICE OFFICER WITHOUT A WARRANT MAY ARREST A**
11 **PERSON IF:**

12 **(I) THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE**
13 **THAT:**

14 **1. THE PERSON BATTERED:**

15 **A. A SPECIAL ENFORCEMENT OFFICER AUTHORIZED**
16 **UNDER SECTION 16-16A OF THIS SUBTITLE;**

17 **B. A SPECIAL PARKING ENFORCEMENT OFFICER**
18 **AUTHORIZED UNDER SECTION 16-16B OF THIS SUBTITLE; OR**

19 **C. A SPECIAL TRAFFIC ENFORCEMENT OFFICER**
20 **AUTHORIZED UNDER SECTION 16-16C OF THIS SUBTITLE;**

21 **2. THERE IS EVIDENCE OF PHYSICAL INJURY; AND**

22 **3. UNLESS THE PERSON IS ARRESTED IMMEDIATELY,**
23 **THE PERSON:**

24 **A. MAY NOT BE APPREHENDED;**

25 **B. MAY CAUSE PHYSICAL INJURY OR PROPERTY DAMAGE**
26 **TO ANOTHER; OR**

27 **C. MAY TAMPER WITH, DISPOSE OF, OR DESTROY**
28 **EVIDENCE; AND**

29 **(II) A REPORT TO THE POLICE WAS MADE WITHIN 48 HOURS OF**
30 **THE ALLEGED INCIDENT.**

1 **(4) IF A POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT**
2 **MUTUAL BATTERY OCCURRED AND ARREST IS NECESSARY UNDER PARAGRAPH (3)**
3 **OF THIS SUBSECTION, THE POLICE OFFICER SHALL CONSIDER WHETHER ONE OF**
4 **THE PERSONS ACTED IN SELF-DEFENSE WHEN DETERMINING WHETHER TO ARREST**
5 **THE PERSON WHOM THE POLICE OFFICER BELIEVES TO BE THE PRIMARY**
6 **AGGRESSOR.**

7 (b) All police officers of the department shall have and enjoy all the immunities
8 and matters of defense now available, or such as hereafter may be made available, to
9 sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against
10 them in consequence of acts done in the course of their official duties.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.