

HOUSE BILL 661

E2, D4

0lr2241

By: **Delegate Barnes**

Introduced and read first time: February 4, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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

8 BY adding to

9 Article – Criminal Procedure
10 Section 2–204.1
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Family Law
15 Section 4–508.1(c) and 4–509(b)
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2009 Supplement)

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

20 **Article – Criminal Procedure**

21 **2–204.1.**

22 **A POLICE OFFICER SHALL ARREST WITH OR WITHOUT A WARRANT AND**
23 **TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE CAUSE TO**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BELIEVE IS IN VIOLATION OF A PROTECTIVE ORDER AS DESCRIBED IN §
2 4-508.1(C) OR § 4-509(B) OF THE FAMILY LAW ARTICLE.

3 **Article – Family Law**

4 4-508.1.

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

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

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

14 4-509.

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

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