

# HOUSE BILL 124

E2  
HB 912/09 – JUD

01r0883

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By: **Delegate Barnes**  
Introduced and read first time: January 18, 2010  
Assigned to: Judiciary

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## 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 and 2009 Supplement)

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 2009 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

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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) A 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, 2010.