

# SENATE BILL 481

E2  
HB 1393/09 – JUD

0lr2821  
CF HB 264

---

By: **Senator Robey**  
Introduced and read first time: February 1, 2010  
Assigned to: Judicial Proceedings

---

Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 3, 2010

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Warrantless Arrest – Second Degree Assault**

3 FOR the purpose of authorizing a police officer to arrest a person without a warrant if  
4 the police officer has probable cause to believe that the person has committed a  
5 second degree assault under certain circumstances; requiring a police officer to  
6 consider whether a person acted in self-defense under certain circumstances;  
7 and generally relating to warrantless arrests for second degree assault.

8 BY repealing and reenacting, with amendments,  
9 Article – Criminal Procedure  
10 Section 2–203  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2009 Supplement)

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

15 **Article – Criminal Procedure**

16 2–203.

17 (a) A police officer without a warrant may arrest a person if the police officer  
18 has probable cause to believe:

---

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                   (1)    that the person has committed a crime listed in subsection (b) of  
2 this section; and

3                   (2)    that unless the person is arrested immediately, the person:

4                           (i)    may not be apprehended;

5                           (ii)   may cause physical injury or property damage to another; or

6                           (iii)   may tamper with, dispose of, or destroy evidence.

7           (b)    The crimes referred to in subsection (a)(1) of this section are:

8                   (1)    manslaughter by vehicle or vessel under § 2–209 of the Criminal  
9 Law Article;

10                   (2)   malicious burning under § 6–104 or § 6–105 of the Criminal Law  
11 Article or an attempt to commit the crime;

12                   (3)   malicious mischief under § 6–301 of the Criminal Law Article or an  
13 attempt to commit the crime;

14                   (4)   a theft crime where the value of the property or services stolen is  
15 less than \$500 under § 7–104 or § 7–105 of the Criminal Law Article or an attempt to  
16 commit the crime;

17                   (5)   the crime of giving or causing to be given a false alarm of fire  
18 under § 9–604 of the Criminal Law Article;

19                   (6)   indecent exposure under § 11–107 of the Criminal Law Article;

20                   (7)   a crime that relates to controlled dangerous substances under Title  
21 5 of the Criminal Law Article or an attempt to commit the crime;

22                   (8)   the wearing, carrying, or transporting of a handgun under § 4–203  
23 or § 4–204 of the Criminal Law Article;

24                   (9)   carrying or wearing a concealed weapon under § 4–101 of the  
25 Criminal Law Article; [and]

26                   (10)   prostitution and related crimes under Title 11, Subtitle 3 of the  
27 Criminal Law Article; AND

28                   **(11) SECOND DEGREE ASSAULT UNDER § 3–203 OF THE CRIMINAL**  
29 **LAW ARTICLE IF:**

1                   **(I)    THERE IS EVIDENCE OF PHYSICAL INJURY, AS DEFINED**  
2 **IN § 3-203(C)(1) OF THE CRIMINAL LAW ARTICLE; AND**

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

5           **(C)    IF A POLICE OFFICER MAKING AN ARREST FOR A CRIME DESCRIBED**  
6 **IN SUBSECTION (B)(11) OF THIS SECTION HAS PROBABLE CAUSE TO BELIEVE**  
7 **THAT MUTUAL BATTERY OCCURRED AND THAT ARREST IS NECESSARY UNDER**  
8 **SUBSECTION (A) OF THIS SECTION, THE POLICE OFFICER SHALL CONSIDER**  
9 **WHETHER ONE OF THE PERSONS ACTED IN SELF-DEFENSE WHEN DETERMINING**  
10 **WHETHER TO ARREST THE PERSON WHOM THE POLICE OFFICER BELIEVES TO**  
11 **BE THE PRIMARY AGGRESSOR.**

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.