

3. MAY TAMPER WITH, DISPOSE OF, OR DESTROY EVIDENCE;
AND

(2) A REPORT TO THE POLICE WAS MADE WITHIN 48 HOURS OF THE ALLEGED INCIDENT.

(B) SELF-DEFENSE.

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 594B(d).

In subsection (a)(1)(i) of this section, the reference to "another person" is substituted for the former reference to "other individual" to conform to the terminology used throughout this section.

In subsection (a)(1)(iii)2 of this section, the reference to causing "physical injury or property damage to another" is substituted for the former reference to causing "injury to the person or damage to the property of one or more other persons" for brevity.

In subsection (b) of this section, the reference to one of the "persons" is substituted for the former reference to one of the "parties" for consistency with terminology used throughout this section.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(i) of this section, a police officer may arrest a person without a warrant if the person "battered" the person's spouse or another person with whom the person resides. The General Assembly may wish to substitute the word "assaulted" for "battered" to conform to the terminology of Art. 27, § 12.

Defined terms: "Person" § 1-101

"Police officer" § 2-101

2-205. SAME — FOR STALKING.

A POLICE OFFICER WITHOUT A WARRANT MAY ARREST A PERSON IF:

(1) THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON HAS ENGAGED IN STALKING UNDER ARTICLE 27, § 124 OF THE CODE;

(2) THERE IS CREDIBLE EVIDENCE OTHER THAN THE STATEMENTS OF THE ALLEGED STALKING VICTIM TO SUPPORT THE PROBABLE CAUSE UNDER ITEM (1) OF THIS SECTION; AND