

Approved May 2, 1990.

CHAPTER 367
(House Bill 910)

AN ACT concerning

Domestic Violence – Warrantless Arrest

FOR the purpose of permitting a police officer under certain circumstances to arrest a person without a warrant if the officer has probable cause to believe the person battered any individual with whom the person resides; and generally relating to warrantless arrests in cases of alleged domestic violence.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 594B(d)

Annotated Code of Maryland

(1987 Replacement Volume and 1989 Supplement)

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

Article 27 – Crimes and Punishments

594B.

(d) A police officer may arrest a person without a warrant if:

(1) The officer has probable cause to believe that:

(i) The person battered the person's spouse OR OTHER INDIVIDUAL WITH WHOM THE PERSON RESIDES;

(ii) There is evidence of physical injury; and

(iii) Unless the person is immediately arrested:

1. The person may not be apprehended;

2. The person may cause injury to the person or damage to the property of one or more other persons; or

3. The person may tamper with, dispose of, or destroy evidence; and

(2) A report to the police was made within 2 hours of the alleged incident.