

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) (1) ~~(1) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(II) "ABUSE" HAS THE MEANING STATED IN § 4-501 OF THE FAMILY LAW ARTICLE.~~

~~(III) "PERSON ELIGIBLE FOR RELIEF" HAS THE MEANING STATED IN § 4-501 OF THE FAMILY LAW ARTICLE.~~

~~(2)~~ A police officer may arrest a person without a warrant if:

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

~~(i)~~ 1. The person battered the person's spouse or other individual with whom the person resides;

~~(ii)~~ 2. There is evidence of physical injury; and

~~(iii)~~ 3. Unless the person is immediately arrested:

1. A. The person may not be apprehended;

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

3. C. The person may tamper with, dispose of, or destroy evidence.] ~~THE PERSON HAS COMMITTED ABUSE AGAINST A PERSON ELIGIBLE FOR RELIEF; and~~

~~[(2)]~~ (II) A report to the police was made within [12] 48 hours of the alleged incident.

~~(3)~~ ~~(1)~~ (2) IF THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT MUTUAL ABUSE BATTERY OCCURRED AND AN ARREST IS MADE NECESSARY UNDER THIS SUBSECTION, THE OFFICER SHALL CONSIDER WHETHER ONE OF THE PARTIES ACTED IN SELF-DEFENSE WHEN MAKING THE DETERMINATION WHETHER TO ARREST THE PERSON WHOM THE OFFICER BELIEVES TO BE THE PRIMARY PHYSICAL AGGRESSOR.

~~(II) IN DETERMINING WHETHER A PERSON IS A PRIMARY PHYSICAL AGGRESSOR, THE OFFICER SHALL CONSIDER:~~

1. ~~ANY HISTORY OF PRIOR ABUSE;~~

2. ~~THE RELATIVE SEVERITY OF THE INJURIES INFLICTED ON EACH PERSON;~~

3. ~~THE POTENTIAL FOR FUTURE INJURY;~~