

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 594B(g)

Annotated Code of Maryland

(1996 Replacement Volume and 1999 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.

(a) A police officer may arrest without a warrant any person who commits, or attempts to commit, any felony or misdemeanor in the presence of, or within the view of, such officer.

(b) A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the officer's presence or within the officer's view, may arrest without a warrant any person whom the officer may reasonably believe to have committed such offense.

(c) A police officer may arrest a person without a warrant if the officer has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the officer's presence or view.

(d) (1) A police officer may arrest a person without a warrant if:

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

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

2. There is evidence of physical injury; and

3. Unless the person is immediately arrested:

A. The person may not be apprehended;

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

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

(ii) A report to the police was made within 48 hours of the alleged incident.

(2) If the police officer has probable cause to believe that mutual battery occurred and arrest is 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 aggressor.