

(3) THE POLICE OFFICER HAS REASON TO BELIEVE THAT THE ALLEGED STALKING VICTIM OR ANOTHER PERSON IS IN DANGER OF IMMINENT BODILY HARM OR DEATH.

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

Defined terms: "Person" § 1-101

"Police officer" § 2-101

2-206. WARRANTLESS ARRESTS DURING STATE OF EMERGENCY.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES DURING A PUBLIC CRISIS, DISASTER, RIOTING, CATASTROPHE, OR SIMILAR PUBLIC EMERGENCY, AS THESE TERMS ARE DEFINED IN ARTICLE 41, § 2-101(B)(1) OF THE CODE, AND WHEN PUBLIC SAFETY IS IMPERILED, OR ON REASONABLE APPREHENSION OF IMMEDIATE DANGER OF PUBLIC SAFETY BEING IMPERILED.

(B) IN GENERAL.

DURING A TIME DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE AUTHORITY TO MAKE AN ARREST WITHOUT A WARRANT GRANTED TO POLICE OFFICERS UNDER THIS TITLE IS GRANTED TO A PERSON WHO:

(1) IS SERVING UNDER A PROCLAMATION OF A STATE OF EMERGENCY ISSUED BY THE GOVERNOR, AS PROVIDED IN ARTICLE 41, § 2-101(C) OF THE CODE, AS:

(I) A MEMBER OF A LAW ENFORCEMENT UNIT THAT IS LISTED IN § 2-101(C) OF THIS TITLE; OR

(II) A MEMBER OF THE MILITIA CALLED INTO ACTION BY THE GOVERNOR, AS PROVIDED IN ARTICLE 41, § 2-101(E) OF THE CODE;

(2) IS SERVING AS A MEMBER OF THE MILITIA ORDERED INTO ACTIVE SERVICE BY THE GOVERNOR UNDER ARTICLE 65, § 8 OF THE CODE; OR

(3) IS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES UNDER ORDERS TO AID CIVIL AUTHORITIES OF THE STATE IN ENFORCING LAW AND ORDER, SUBJECT TO SUBSECTION (C) OF THIS SECTION.

(C) EFFECT OF SECTION.

THE GRANT OF AUTHORITY UNDER SUBSECTION (B)(3) OF THIS SECTION DOES NOT LIMIT OR IMPAIR ANY POWER OR DUTY OF A MEMBER OF THE ARMED FORCES OF THE UNITED STATES OR AUTHORIZE ANY ACTION INCOMPATIBLE WITH FEDERAL LAW OR REGULATIONS.

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

In subsection (b)(1) of this section, the reference to a proclamation "of a state of emergency" is added for clarity. See Art. 41, § 2-101(c).