

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that as enacted by Chapter 123, Acts of 1937, the term "State" began with an uppercase letter as did all the other references to the term "State" in the former subtitle. However, later, the references to the term "state" when it meant a state other than the State of Maryland or "this State" were changed to begin with a lowercase letter. The term "State" in this definition was not changed to begin with a lowercase letter, as it apparently should have been. No substantive change is intended by changing the term to begin with a lowercase letter in this revision.

2-305. AUTHORITY OF OFFICERS OF OTHER STATES TO ARREST IN THIS STATE.

(A) IN GENERAL.

A MEMBER OF A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT UNIT OF ANOTHER STATE WHO ENTERS THIS STATE IN FRESH PURSUIT AND CONTINUES WITHIN THIS STATE IN FRESH PURSUIT OF A PERSON TO ARREST THE PERSON ON THE GROUND THAT THE PERSON IS BELIEVED TO HAVE COMMITTED A FELONY IN THE OTHER STATE HAS THE SAME AUTHORITY TO ARREST AND HOLD THE PERSON IN CUSTODY AS HAS A MEMBER OF A DULY ORGANIZED STATE, COUNTY, OR MUNICIPAL CORPORATION LAW ENFORCEMENT UNIT OF THIS STATE TO ARREST AND HOLD A PERSON IN CUSTODY ON THE GROUND THAT THE PERSON IS BELIEVED TO HAVE COMMITTED A FELONY IN THIS STATE.

(B) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT MAKE UNLAWFUL AN ARREST IN THIS STATE THAT WOULD OTHERWISE BE LAWFUL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 595 and 597.

Defined terms: "County" § 1-101

"Fresh pursuit" § 2-304

"Person" § 1-101

"State" § 2-304

2-306. HEARING TO DETERMINE LAWFULNESS OF ARREST.

(A) NECESSITY FOR HEARING.

IF AN OFFICER OF ANOTHER STATE MAKES AN ARREST IN THIS STATE IN ACCORDANCE WITH § 2-305(A) OF THIS SUBTITLE, THE OFFICER SHALL, WITHOUT UNNECESSARY DELAY, TAKE THE PERSON ARRESTED BEFORE A JUDGE OF THE CIRCUIT COURT OF THE COUNTY IN WHICH THE ARREST WAS MADE FOR A HEARING TO DETERMINE THE LAWFULNESS OF THE ARREST.

(B) EFFECT OF UNLAWFUL ARREST.

IF THE JUDGE DETERMINES THAT THE ARREST WAS UNLAWFUL, THE JUDGE SHALL DISCHARGE THE ARRESTED PERSON.