

Introduced 9/8/09
Public Hearing 9/22/09
Council Action 10/5/09
Executive Action 10/7/09
Effective Date 12/8/09

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 11

Bill No. 43 -2009

Introduced by: The Chairperson at the request of the County Executive

AN ACT authorizing the County Executive to enter into certain mutual aid agreements;
updating certain references to State law; requiring a certain report; and generally
relating to the authority to send police officers outside of Howard County.

Introduced and read first time September 8, 2009. Ordered posted and hearing scheduled.

By order Stephen Le Gendre
Stephen Le Gendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 22, 2009.

By order Stephen Le Gendre
Stephen Le Gendre, Administrator

This Bill was read the third time on October 5, 2009 and Passed , Passed with amendments ✓, Failed .

By order Stephen Le Gendre
Stephen Le Gendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of October, 2009 at 12:00 a.m./p.m.

By order Stephen Le Gendre
Stephen Le Gendre, Administrator

Approved/Vetoed by the County Executive October 7, 2009

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that
2 Section 17.204 "Authority to send Officers and equipment beyond County borders" of
3 Subtitle 2 "Police" of Title 17 "Public Protection Services" of the Howard County Code
4 is amended to read as follows:

5
6 **Title 17. Public Protection Services.**

7 **Subtitle 2. Police.**

8
9 **Section 17.204. Authority to send Officers and equipment beyond County borders.**

10 (a) *In General.* Personnel of the Police Department, both sworn and nonsworn, together
11 with all necessary equipment, may lawfully go or be sent beyond the territorial limits of
12 Howard County to any point within or without the State of Maryland:

- 13 (1) Upon the instruction of the Chief of Police or his designees acting at the
14 request of the State of Maryland, another State or the District of Columbia,
15 a County or a municipal corporation;
16 (2) Pursuant to any mutual AID agreement to which Howard County is a party;
17 or
18 (3) Pursuant to any statute of the State of Maryland, ordinance of Howard
19 County or the common law.

20 ~~(B) AUTHORITY. IF THE COUNTY IS A PARTY TO AN AGREEMENT UNDER SUBSECTION (A)(2)~~
21 ~~OF THIS SECTION, THE COUNTY EXECUTIVE MAY ENTER INTO THE AGREEMENT ON BEHALF~~
22 ~~OF THE COUNTY WITH: (B) AUTHORITY. ON BEHALF OF THE COUNTY, THE COUNTY~~
23 EXECUTIVE MAY ENTER INTO A MUTUAL AID AGREEMENT UNDER SUBSECTION (A)(2) OF
24 THIS SECTION WITH:

- 25 (1) ANY STATE;
26 (2) ANY COUNTY OR MUNICIPAL CORPORATION;
27 (3) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION;
28 (4) THE DISTRICT OF COLUMBIA; OR
29 (5) THE FEDERAL GOVERNMENT OR ANY AGENCY OF THE FEDERAL
30 GOVERNMENT.

1 ~~[[b)]]~~ (c) *Mutual Aid Agreements*. A mutual aid agreement under subsection (a)(2) of
2 this section ~~[[shall]]~~ SHALL, AS REQUIRED BY ~~[[be executed in accordance with article 27,~~
3 section 602B]] SECTION 2-105(E) OF THE CRIMINAL PROCEDURE ARTICLE of the
4 Annotated Code of Maryland, ~~[[and shall]]~~ provide that each of the parties to the
5 agreement SHALL:

6 (1) Waive any and all claims against all the other parties to the agreement
7 which may arise out of their activities outside their respective jurisdictions
8 under the agreement; and

9 (2) Indemnify and save harmless the other parties to the agreement from all
10 claims of third parties for property damage or personal injury which may
11 arise out of the activities of the other parties to the agreement, outside their
12 respective jurisdictions under such agreement.

13 (D) REPORT. THE DEPARTMENT OF POLICE SHALL SUBMIT AN ANNUAL REPORT TO THE
14 COUNTY COUNCIL ON OR BEFORE EACH JANUARY 31 THAT LISTS EACH AGREEMENT MADE
15 UNDER THE AUTHORITY OF THIS SECTION THAT WAS IN EFFECT DURING THE PREVIOUS
16 YEAR. THE REPORT SHALL IDENTIFY EACH JURISDICTION AND UNIT THAT IS A PARTY TO THE
17 AGREEMENT.

18
19 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
20 *Maryland, that this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 7, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2009.

Stephen M. LeGendre, Administrator to the County Council