



MARYLAND STATE POLICE



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ADVISORY

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Legal Authority of a Special Police Officer to Execute an Emergency Petition

The Maryland Department of State Police, Licensing Division is disseminating the following information, to provide clarification and guidance regarding the legal authority of a Special Police Officer to perform and execute an emergency petition.

Pursuant to §10-622(b) of the Health – General Article, an emergency petition can only be made by certain medical professionals, “peace officers,” or any other interested person. Medical professionals must present the completed emergency petition to a “peace officer” for execution, while a peace officer may complete and execute an emergency petition. Peace Officers, as defined in §10-620 of the Health – General Article, include a sheriff, a deputy sheriff, a State police officer, a county police officer, a municipal or other local police officer, or a Secret Service agent who is a sworn special agent of the United States Secret Service or Department of Homeland Security authorized to exercise powers delegated under 18 U.S.C. § 3056. A Special Police Officer is not identified in this definition and therefore does not have the statutory authority to execute an emergency petition.

A Special Police Officer may present an emergency petition to the court for immediate review pursuant to §10-623 of the Health – General Article. However, since a Special Police Officer is not identified as a “peace officer,” **a Special Police Officer does not have the authority to execute a court endorsed emergency petition.**

Additional information can be found on the MDSP Licensing Division website at: [Maryland State Police Licensing Division](https://www.marylandstatepolice.org/Licensing-Division). Specific questions can be emailed to: msp.professionallicensing@maryland.gov.

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