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HB 417/96 - JUD

1997 Regular Session
7lr1723

By: Delegate T. Murphy

Introduced and read first time: January 29, 1997
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 1997

CHAPTER ____

1 AN ACT concerning

2 **Department of State Police - Enforcement of Motor Vehicle Laws in Baltimore City**

3 FOR the purpose of expanding the authority of the Department of State Police to enforce
4 the motor vehicle laws of this State in Baltimore City ~~under certain circumstances~~;
5 making technical changes; and generally relating to the powers of the Department
6 of State Police.

7 BY repealing and reenacting, with amendments,
8 Article 88B - Department of State Police
9 Section 4(b), (c), and (e)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 88B - Department of State Police**

15 4.

16 (b) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
17 Secretary, the deputy secretary, and employees designated by the Secretary as police
18 employees shall have throughout the State the same powers, privileges, immunities, and
19 defenses as sheriffs, constables, police officers, and other peace officers possessed at
20 common law and may now or hereafter exercise within their respective jurisdictions. Any
21 warrant of arrest may be executed by a police employee in any part of the State without
22 further endorsement.

23 (c) Police employees shall not act within the limits of any incorporated
24 municipality which maintains a police force except: (1) when in pursuit of an offender or

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1 suspected offender; (2) when in search of an offender or suspected offender wanted for a
 2 crime committed outside of the limits of the municipality, or when interviewing or seeking
 3 to interview a witness or supposed witness to such a crime; (3) when a crime is committed
 4 in the presence of the police employee, the arrested party shall be immediately
 5 transferred to the custody of the local law enforcement agency; (4) when requested to act
 6 by the chief executive officer or the chief police officer of the municipality; (5) when
 7 ordered by the Governor to act within the municipality; (6) ~~except in Baltimore City,~~
 8 ~~when enforcing the motor vehicle laws of this State. IN BALTIMORE CITY, POLICE~~
 9 ~~EMPLOYEES MAY ENFORCE THE MOTOR VEHICLE LAWS OF THE STATE WHEN~~
 10 ~~REQUESTED TO ENFORCE THOSE LAWS BY THE MAYOR OR CHIEF OF POLICE OF~~
 11 ~~BALTIMORE CITY; (7) EXCEPT AS PROVIDED IN ITEM (6) OF THIS SUBSECTION, in~~
 12 ~~Baltimore City, only when enforcing Title 23 (Vehicle Laws - Inspection of Used Vehicles~~
 13 ~~and Warnings for Defective Equipment) of the Transportation Article; (8) (7) in any~~
 14 building or place when ordered by the President of the Senate and the Speaker of the
 15 House of Delegates, or either of them, to guard the safety of legislators or the integrity of
 16 the legislative process; ~~(9) (8) to protect the safety of an elected State official; (10) (9) in~~
 17 the municipalities of Somerset County; ~~(11) (10) when enforcing Article 27, § 419A of the~~
 18 Code; ~~(12) (11)(i)1. when participating in a joint investigation with officials from any~~
 19 other State, federal, or local law enforcement agency at least one of which shall have local
 20 jurisdiction; 2. when rendering assistance to a police officer; 3. when acting at the request
 21 of a local police officer; or 4. when an emergency exists; and (ii) when acting in
 22 accordance with regulations adopted by the Secretary to implement this paragraph; or
 23 ~~(13) (12) when conducting investigations relating to or otherwise enforcing the provisions~~
 24 of Article 27, § 146 of the Code.

25 (e) The term "incorporated municipality" as used in subsection [(b)] (C) of this
 26 section shall mean the territory within the limits of an incorporated city or town within
 27 any county of this State or of Baltimore City. However, this term shall not be construed to
 28 include any other territory within the limits of any county.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 30 October 1, 1997.