

---

By: **Delegates Bozman and Conway**  
 Introduced and read first time: January 26, 2005  
 Assigned to: Judiciary

---

Committee Report: Favorable with amendments  
 House action: Adopted  
 Read second time: February 22, 2005

---

CHAPTER\_\_\_\_\_

1 AN ACT concerning

2 **Ocean Pines Police Department**

3 FOR the purpose of codifying provisions relating to the Ocean Pines Police  
 4 Department; specifying that the Ocean Pines Police Department is not an  
 5 agency of Worcester County; specifying that Worcester County is not responsible  
 6 for certain acts or omissions; specifying the powers and the duties of the Ocean  
 7 Pines Police Department; requiring the Maryland Police Training Commission,  
 8 or a certain designee, to adopt certain standards; requiring that those members  
 9 of the Ocean Pines Police Department who meet the requirements of the Police  
 10 Training Commission shall be certified by the Commission; requiring the Board  
 11 of Directors of Ocean Pines Association, Incorporated, to adopt certain rules;  
 12 providing for the method of appointment, qualifications, duties, and  
 13 responsibilities of the Chief of Police of the Ocean Pines Police Department;  
 14 providing for the method of funding for the Ocean Pines Police Department;  
 15 including the members of the Ocean Pines Police Department in the defined  
 16 term "law enforcement officer" in connection with provisions of law relating to  
 17 powers of warrantless arrest, notice of contact with certain diseases, and the  
 18 Law Enforcement Officer's Bill of Rights; and generally relating to the powers  
 19 and rights of the officers of the Ocean Pines Police Department.

20 BY adding to  
 21 Article 26 - Miscellaneous Governmental Entities  
 22 Section 6  
 23 Annotated Code of Maryland  
 24 (2001 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,

1 Article - Criminal Procedure  
2 Section 2-101(c)  
3 Annotated Code of Maryland  
4 (2001 Volume and 2004 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Health - General  
7 Section 18-213(a)(3)  
8 Annotated Code of Maryland  
9 (2000 Replacement Volume and 2004 Supplement)

10 BY repealing and reenacting, with amendments,  
11 Article - Public Safety  
12 Section 3-101(e)(1) and 3-201(e)(1)  
13 Annotated Code of Maryland  
14 (2003 Volume and 2004 Supplement)

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

17 **Article 26 - Miscellaneous Governmental Entities**

18 6.

19 (A) (1) THERE IS AN OCEAN PINES POLICE DEPARTMENT.

20 (2) THE DEPARTMENT IS:

21 (I) ESTABLISHED TO PROVIDE PROTECTION FOR THE OCEAN  
22 PINES COMMUNITY IN WORCESTER COUNTY; AND

23 (II) CHARGED WITH THE RESPONSIBILITY OF ENFORCING THE  
24 APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF THE STATE AND  
25 WORCESTER COUNTY.

26 (3) THE DEPARTMENT IS NOT AN AGENCY OF WORCESTER COUNTY, AND  
27 ITS OFFICERS, EMPLOYEES, AND AGENTS ARE NOT OFFICERS, EMPLOYEES, OR  
28 AGENTS OF THE COUNTY. WORCESTER COUNTY IS NOT RESPONSIBLE FOR THE ACTS  
29 OR OMISSIONS OF THE DEPARTMENT, ITS OFFICERS, EMPLOYEES, OR AGENTS.

30 (B) (1) A MEMBER OF THE OCEAN PINES POLICE DEPARTMENT HAS ALL THE  
31 POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.  
32 THESE POWERS MAY BE EXERCISED ONLY ON PROPERTY WITHIN THE OCEAN PINES  
33 COMMUNITY AND NOT ON ANY OTHER PROPERTY UNLESS:

34 (I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

1 (II) SPECIALLY REQUESTED OR PERMITTED TO DO SO IN A  
2 POLITICAL SUBDIVISION BY ITS CHIEF EXECUTIVE OFFICER OR ITS CHIEF POLICE  
3 OFFICER;

4 (III) BY AGREEMENT WITH ANOTHER LAW ENFORCEMENT AGENCY;  
5 OR

6 (IV) ORDERED TO DO SO BY THE GOVERNOR.

7 (2) (I) MEMBERS OF THE OCEAN PINES POLICE DEPARTMENT HAVE  
8 CONCURRENT JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE  
9 LAW ENFORCEMENT AGENCIES OF THE STATE AND OF WORCESTER COUNTY.

10 (II) NOTHING CONTAINED IN THIS SECTION RELIEVES THE STATE  
11 OR THE COUNTY FROM A DUTY TO PROVIDE POLICE, FIRE, AND OTHER PUBLIC  
12 SAFETY SERVICE AND PROTECTION OR AFFECTS THE JURISDICTION OF OTHER  
13 POLICE, FIRE, AND PUBLIC SAFETY AGENCIES.

14 (C) THE MARYLAND POLICE TRAINING COMMISSION SHALL ADOPT OR MAY  
15 DELEGATE TO THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION THE  
16 AUTHORITY TO ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF  
17 CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND  
18 EXPERIENCE FOR THE OCEAN PINES POLICE DEPARTMENT, INCLUDING STANDARDS  
19 FOR THE PERFORMANCE OF THEIR DUTIES.

20 (D) (1) THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION,  
21 INCORPORATED, SHALL ADOPT RULES GOVERNING THE OPERATION AND CONDUCT  
22 OF THE OCEAN PINES POLICE DEPARTMENT, INCLUDING THE POLICE OFFICERS.

23 (2) THE RULES OF THE BOARD OF DIRECTORS CONCERNING POLICE  
24 OFFICERS SHALL SUPPLEMENT ANY REGULATIONS OF THE MARYLAND POLICE  
25 TRAINING COMMISSION.

26 (3) DISOBEDIENCE TO THE LAWFUL COMMANDS, RULES, OR  
27 REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION OR THE BOARD OF  
28 DIRECTORS SHALL BE GROUNDS FOR DISCIPLINARY ACTION, INCLUDING REMOVAL.

29 (E) (1) THERE IS A CHIEF OF POLICE OF THE OCEAN PINES POLICE  
30 DEPARTMENT.

31 (2) (I) THE CHIEF OF POLICE SHALL BE APPOINTED BY THE GENERAL  
32 MANAGER OF THE OCEAN PINES ASSOCIATION.

33 (II) THE CHIEF SHALL BE EXPERIENCED IN THE COMMAND OF  
34 UNIFORMED PATROLS AND THE DETECTION AND INVESTIGATION OF CRIME AND  
35 SHALL BE SELECTED SOLELY ON THE BASIS OF QUALIFICATIONS FOR THE POSITION.

36 (3) (I) THE CHIEF OF POLICE SHALL BE RESPONSIBLE DIRECTLY TO  
37 THE GENERAL MANAGER.

1 (II) ALL ORDERS TO THE POLICE DEPARTMENT FROM THE  
 2 GENERAL MANAGER SHALL BE DIRECTED THROUGH THE CHIEF OR THE DESIGNEE  
 3 OF THE CHIEF.

4 (4) (I) THE CHIEF OF POLICE SHALL COMMAND AND ADMINISTER THE  
 5 OCEAN PINES POLICE DEPARTMENT.

6 (II) THE DUTIES OF THE CHIEF SHALL INCLUDE:

7 1. BEING RESPONSIBLE FOR THE EFFICIENCY AND GOOD  
 8 CONDUCT OF THE DEPARTMENT;

9 2. OVERSEEING THE GENERAL OPERATION OF THE  
 10 DEPARTMENT;

11 3. HIRING EMPLOYEES AND APPOINTING OFFICERS,  
 12 SUBJECT TO THE APPROVAL OF THE GENERAL MANAGER; AND

13 4. DISCIPLINING EMPLOYEES AND OFFICERS.

14 (5) THE CHIEF OF POLICE SHALL SERVE AT THE PLEASURE OF THE  
 15 GENERAL MANAGER AND, ~~SUBJECT TO THE APPROVAL OF THE BOARD OF DIRECTORS~~  
 16 ~~OF THE OCEAN PINES ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF~~  
 17 ~~THE OCEAN PINES COMMUNITY,~~ MAY BE REMOVED BY THE GENERAL MANAGER.

18 (F) (1) FUNDING FOR THE OCEAN PINES POLICE DEPARTMENT SHALL COME  
 19 FROM REVENUE DERIVED FROM ASSESSMENTS LEVIED ON REAL PROPERTY  
 20 LOCATED IN THE OCEAN PINES COMMUNITY AND OTHER SOURCES, IF AVAILABLE.

21 (2) THE OCEAN PINES POLICE DEPARTMENT, OR THE BOARD OF  
 22 DIRECTORS OF THE OCEAN PINES ASSOCIATION, INCORPORATED, ACTING AS  
 23 ADMINISTRATOR OF THE OCEAN PINES COMMUNITY, MAY APPLY FOR, ACCEPT, AND  
 24 SPEND ANY GIFT OR GRANT FOR THE BENEFIT OR USE OF THE OCEAN PINES POLICE  
 25 DEPARTMENT FROM THE FEDERAL GOVERNMENT, ANY STATE AGENCY OR OFFICE,  
 26 ANY FOUNDATION, OR ANY OTHER PERSON.

27 **Article - Criminal Procedure**

28 2-101.

29 (c) "Police officer" means a person who in an official capacity is authorized by  
 30 law to make arrests and is:

31 (1) a member of the Department of State Police;

32 (2) a member of the Police Department of Baltimore City;

33 (3) a member of the Baltimore City School Police Force;

34 (4) a member of the police department, bureau, or force of a county;

- 1 (5) a member of the police department, bureau, or force of a municipal  
2 corporation;
- 3 (6) a member of the Maryland Transit Administration Police Force,  
4 Maryland Port Administration Police Force, or Maryland Transportation Authority  
5 Police Force;
- 6 (7) a member of the University of Maryland Police Force or Morgan State  
7 University Police Force;
- 8 (8) a special police officer who is appointed to enforce the law and  
9 maintain order on or protect property of the State or any of its units;
- 10 (9) a member of the Department of General Services security force;
- 11 (10) the sheriff of a county whose usual duties include the making of  
12 arrests;
- 13 (11) a regularly employed deputy sheriff of a county who is compensated  
14 by the county and whose usual duties include the making of arrests;
- 15 (12) a member of the Natural Resources Police Force of the Department of  
16 Natural Resources;
- 17 (13) an authorized employee of the Field Enforcement Division of the  
18 Comptroller's Office;
- 19 (14) a member of the Maryland-National Capital Park and Planning  
20 Commission Park Police;
- 21 (15) a member of the Housing Authority of Baltimore City Police Force;
- 22 (16) a member of the Crofton Police Department;
- 23 (17) a member of the WMATA Metro Transit Police, subject to the  
24 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan  
25 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation  
26 Article;
- 27 (18) a member of the Internal Investigative Unit of the Department;
- 28 (19) a member of the State Forest and Park Service Police Force of the  
29 Department of Natural Resources;
- 30 (20) a member of the Department of Labor, Licensing, and Regulation  
31 Police Force; [or]
- 32 (21) a member of the Washington Suburban Sanitary Commission Police  
33 Force; OR
- 34 (22) A MEMBER OF THE OCEAN PINES POLICE DEPARTMENT.

**Article - Health - General**

1  
2 18-213.

3 (a) (3) "Law enforcement officer" means any person who, in an official  
4 capacity, is authorized by law to make arrests and who is a member of one of the  
5 following law enforcement agencies:

6 (i) The Department of State Police;

7 (ii) The Baltimore City Police Department;

8 (iii) The police department, bureau, or force of any county;

9 (iv) The police department, bureau, or force of any incorporated city  
10 or town;

11 (v) The office of the sheriff of any county;

12 (vi) The police department, bureau, or force of any bicounty agency  
13 or constituent institution of the University System of Maryland, Morgan State  
14 University, St. Mary's College, or of any institution under the jurisdiction of the  
15 Maryland Higher Education Commission;

16 (vii) The Maryland Transit Administration police force of the  
17 Department of Transportation, the Maryland Transportation Authority Police Force,  
18 and the Maryland Port Administration police force of the Department of  
19 Transportation;

20 (viii) The law enforcement officers of the Department of Natural  
21 Resources;

22 (ix) The Field Enforcement Division of the Comptroller's Office;

23 (x) The Crofton Police Department; [or]

24 (xi) The Internal Investigative Unit of the Department of Public  
25 Safety and Correctional Services; OR

26 (XII) THE OCEAN PINES POLICE DEPARTMENT.

**Article - Public Safety**

27  
28 3-101.

29 (e) (1) "Law enforcement officer" means an individual who:

30 (i) in an official capacity is authorized by law to make arrests; and

31 (ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the Baltimore City School Police Force;
4. the Baltimore City Watershed Police Force;
5. the police department, bureau, or force of a county;
6. the police department, bureau, or force of a municipal  
7 corporation;
8. the office of the sheriff of a county;
9. the police department, bureau, or force of a bicounty  
10 agency;
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Division of the Comptroller's  
14 Office;
13. the Housing Authority of Baltimore City Police Force;
14. the Crofton Police Department;
15. the police force of the Department of Health and Mental  
18 Hygiene;
16. the police force of the Department of General Services;
17. the police force of the Department of Labor, Licensing, and  
21 Regulation;
18. the police forces of the University System of Maryland;
19. the police force of Morgan State University; [or]
20. the office of State Fire Marshal; OR
21. THE OCEAN PINES POLICE DEPARTMENT.

27 3-201.

28 (e) (1) "Police officer" means an individual who:

- 1 (i) is authorized to enforce the general criminal laws of the State;  
2 and
- 3 (ii) is a member of one of the following law enforcement agencies:
- 4 1. the Department of State Police;
  - 5 2. the Police Department of Baltimore City;
  - 6 3. the police department, bureau, or force of a county;
  - 7 4. the police department, bureau, or force of a municipal  
8 corporation;
  - 9 5. the Maryland Transit Administration police force;
  - 10 6. the Maryland Transportation Authority Police;
  - 11 7. the police forces of the University System of Maryland;
  - 12 8. the police force of Morgan State University;
  - 13 9. the office of the sheriff of a county;
  - 14 10. the police forces of the Department of Natural Resources;
  - 15 11. the police force of the Department of General Services;
  - 16 12. the police force of a State, county, or municipal corporation  
17 if the special police officers are appointed under Subtitle 3 of this title;
  - 18 13. the Housing Authority of Baltimore City Police Force;
  - 19 14. the Baltimore City School Police Force;
  - 20 15. the Crofton Police Department;
  - 21 16. the police force of the Department of Labor, Licensing, and  
22 Regulation; [or]
  - 23 17. the Washington Suburban Sanitary Commission Police  
24 Force; OR
  - 25 18. THE OCEAN PINES POLICE DEPARTMENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2005.

