

**ENROLLED BILL**  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Senator Frosh**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Safety - Department of State Police - Investigations of Deaths in or**  
3 **Outside Correctional ~~or~~ Juvenile Facilities**

4 FOR the purpose of ~~requiring the Department of State Police to investigate certain~~  
5 ~~deaths within or outside facilities operated by the Department of Juvenile~~  
6 ~~Services under certain circumstances~~; requiring the Department of State Police  
7 to investigate certain deaths within or outside correctional facilities under  
8 certain circumstances; authorizing police employees to act within the limits of  
9 certain municipal corporations when conducting certain investigations; and  
10 generally relating to the investigation of certain deaths within or outside certain  
11 correctional ~~and juvenile~~ facilities.

12 ~~BY adding to~~  
13 ~~Article 83C— Juvenile Services~~  
14 ~~Section 2-118.2~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(2003 Replacement Volume and 2004 Supplement)~~

1 BY adding to  
2 Article - Correctional Services  
3 Section 9-602.1  
4 Annotated Code of Maryland  
5 (1999 Volume and 2004 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Public Safety  
8 Section 2-301(a) and 2-412  
9 Annotated Code of Maryland  
10 (2003 Volume and 2004 Supplement)

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

13 **Article 83C – Juvenile Services**

14 ~~2-118.2.~~

15 ~~(A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR MODIFY THE DUTIES~~  
16 ~~OF ANY LAW ENFORCEMENT AGENCY.~~

17 ~~(B) EXCEPT FOR A DEATH THAT OCCURS UNDER MEDICAL SUPERVISION AND~~  
18 ~~AS A RESULT OF NATURAL CAUSES, THE DEPARTMENT OF STATE POLICE SHALL~~  
19 ~~INVESTIGATE ANY DEATH OF A CHILD THAT OCCURS WHILE THE CHILD IS IN~~  
20 ~~CUSTODY OF THE DEPARTMENT WHETHER WITHIN OR OUTSIDE A FACILITY~~  
21 ~~OPERATED BY THE DEPARTMENT.~~

22 **Article - Correctional Services**

23 9-602.1.

24 ~~(A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR MODIFY THE DUTIES~~  
25 ~~OF ANY LAW ENFORCEMENT AGENCY OR THE INTERNAL INVESTIGATIVE UNIT OF~~  
26 ~~THE DEPARTMENT AS PROVIDED IN § 10-701 OF THIS ARTICLE.~~

27 ~~(B) EXCEPT FOR A DEATH THAT OCCURS UNDER MEDICAL SUPERVISION AND~~  
28 ~~AS A RESULT OF NATURAL CAUSES, THE DEPARTMENT OF STATE POLICE SHALL~~  
29 ~~INVESTIGATE ANY DEATH OF AN INMATE SUSPECTED TO BE A HOMICIDE THAT~~  
30 ~~OCCURS WHILE THE INMATE IS IN THE CUSTODY OF THE DIVISION OF CORRECTION~~  
31 ~~WHETHER WITHIN OR OUTSIDE A CORRECTIONAL FACILITY.~~

1 **Article - Public Safety**

2 2-301.

3 (a) (1) The Department has the general duty to safeguard the lives and  
4 safety of all persons in the State, to protect property, and to assist in securing to all  
5 persons the equal protection of the laws.

6 (2) Specifically, this duty includes the responsibility to:

7 (i) preserve the public peace;

8 (ii) detect and prevent the commission of crime;

9 (iii) enforce the laws and ordinances of the State, counties, and  
10 municipal corporations;

11 (iv) apprehend and arrest criminals and those who violate or are  
12 lawfully accused of violating the laws and ordinances of the State, counties, and  
13 municipal corporations;

14 (v) preserve order at public places;

15 (vi) maintain the safe and orderly flow of traffic on public streets  
16 and highways;

17 (vii) cooperate with and assist law enforcement agencies in carrying  
18 out their respective duties; [and]

19 (VIII) INVESTIGATE ANY DEATH OF AN INMATE SUSPECTED TO BE A  
20 HOMICIDE WITHIN OR OUTSIDE:

21 ~~1.~~ A CORRECTIONAL FACILITY AS PROVIDED IN § 9-602.1 OF  
22 THE CORRECTIONAL SERVICES ARTICLE; ~~OR~~ AND

23 ~~2.~~ A FACILITY OPERATED BY THE DEPARTMENT OF  
24 JUVENILE SERVICES AS PROVIDED IN ARTICLE 83C, § 2-118.2 OF THE CODE; AND

25 [(viii)] (IX) discharge the duties and responsibilities of the  
26 Department with the dignity and in a manner that will inspire public confidence and  
27 respect.

28 2-412.

29 (a) (1) In this section the following words have the meanings indicated.

30 (2) "Emergency" means a sudden or unexpected happening or an  
31 unforeseen combination of circumstances that calls for immediate action to protect  
32 health, safety, welfare, or property from actual or threatened harm or from an  
33 unlawful act.

1           (3)     "Municipal corporation" includes Baltimore City.

2       (b)     (1)     Police employees have throughout the State the same powers,  
3 privileges, immunities, and defenses as sheriffs, constables, police officers, and other  
4 peace officers possessed at common law and may now or in the future exercise within  
5 their respective jurisdictions.

6           (2)     A police employee may execute an arrest warrant in any part of the  
7 State without further endorsement.

8       (c)     Police employees may not act within the limits of a municipal corporation  
9 that maintains a police force except:

10           (1)     when in pursuit of a criminal or suspect;

11           (2)     when in search of a criminal or suspect wanted for a crime committed  
12 outside of the limits of the municipal corporation or when interviewing or seeking to  
13 interview a witness or supposed witness to the crime;

14           (3)     when a crime is committed in the presence of the police employee,  
15 and the arrested party must be immediately transferred to the custody of the local  
16 law enforcement agency;

17           (4)     when requested to act by the chief executive officer or chief police  
18 officer of the municipal corporation;

19           (5)     when ordered by the Governor to act within the municipal  
20 corporation;

21           (6)     when enforcing the motor vehicle laws of the State, except in  
22 Baltimore City;

23           (7)     in Baltimore City, only when enforcing Title 23 of the Transportation  
24 Article;

25           (8)     in any building or place when ordered by either the President of the  
26 Senate or the Speaker of the House of Delegates to guard the safety of legislators or  
27 the integrity of the legislative process;

28           (9)     to protect the safety of an elected State official;

29           (10)    in the municipal corporations of Somerset County;

30           (11)    when enforcing § 11-207 of the Criminal Law Article;

31           (12)    (i)     1.     when participating in a joint investigation with officials  
32 from another State, federal, or local law enforcement agency at least one of which has  
33 local jurisdiction;

34                           2.     when rendering assistance to a police officer;

