

# SENATE BILL 935

P4, E4, M1

4lr2754

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By: **Senator Dyson**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

AN ACT concerning

### **Department of Natural Resources Police – Transfer of Duties and Responsibilities to the Department of State Police**

FOR the purpose of abolishing the Department of Natural Resources Police Force; transferring the duties and responsibilities of the Department of Natural Resources Police Force to the Department of State Police; specifying that the Department of State Police is responsible for the enforcement of the natural resources laws of the State; providing for the transfer of certain employees, functions, duties, equipment, assets, and liabilities under certain circumstances; providing for the transitional provisions relating to the continuity of the membership of a certain council; repealing certain obsolete provisions; making conforming changes; making stylistic changes; and generally relating to the transfer of the duties and responsibilities of the Department of Natural Resources Police to the Department of State Police.

BY repealing

Article – Natural Resources

Section 1–201 through 1–210 and the subtitle “Subtitle 2. Natural Resources Police Force”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY renumbering

Article – Natural Resources

Section 1–2A–01 and the subtitle “Subtitle 2A. Abandoned, Lost, or Seized Personal Property”

to be Section 1–201 and the subtitle “Subtitle 2. Abandoned, Lost, or Seized Personal Property”

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 2–101 and 5–212

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 20–702

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources

Section 4–11A–03.2(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 1–104(j), 1–107, 2–405, 4–211(e), 4–220(c)(2), 4–2A–07, 4–506.1(c), 4–610, 4–613(a), 4–701(n)(3), 4–713(b), 4–742(b) and (c), 4–1012(b), 4–1018(b), 4–1039(a) and (b), 4–11A–03.2(b), 4–1203 through 4–1206, 5–206, 8–709(c), 8–712.2(a) and (f), 8–726.1(d), 8–727(b), 10–2A–07(b) and (c), 10–301.3(d), 10–306, 10–312(a), 10–413(c) and (d), 10–415(b) and (f), 10–416(b), 10–417(a), 10–422(c), 10–425(g), 10–506(g), 10–508, 10–512(e), 10–906(d), 10–1103, 10–1104(a) and (b), 10–1105, and 10–1106(a)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2–301

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions

Section 8–308(b) and (c), 8–309(c), and 26–201(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Transportation

Section 16–205.1(i)

Annotated Code of Maryland

(2012 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 1–201 through 1–210 and the subtitle “Subtitle 2. Natural Resources Police Force” of Article – Natural Resources of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 1–2A–01 and the subtitle “Subtitle 2A. Abandoned, Lost, or Seized Personal Property” of Article – Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 1–201 and the subtitle “Subtitle 2. Abandoned, Lost, or Seized Personal Property”.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Criminal Procedure**

2–101.

(a) In this title the following words have the meanings indicated.

(b) “Emergency” means a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.

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

- (1) a member of the Department of State Police;
- (2) a member of the Police Department of Baltimore City;
- (3) a member of the Baltimore City School Police Force;
- (4) a member of the police department, bureau, or force of a county;
- (5) a member of the police department, bureau, or force of a municipal corporation;
- (6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;
- (7) a member of the University of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Department of General Services security force;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) [a member of the Natural Resources Police Force of the Department of Natural Resources;

(13)] an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

[(14)] **(13)** a member of the Maryland–National Capital Park and Planning Commission Park Police;

[(15)] **(14)** a member of the Housing Authority of Baltimore City Police Force;

[(16)] **(15)** a member of the Crofton Police Department;

[(17)] **(16)** a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

[(18)] **(17)** a member of the Internal Investigative Unit of the Department;

[(19)] **(18)** a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

[(20)] **(19)** a member of the Department of Labor, Licensing, and Regulation Police Force;

[(21)] **(20)** a member of the Washington Suburban Sanitary Commission Police Force;

[(22)] **(21)** a member of the Ocean Pines Police Department;

[(23)] **(22)** a member of the police force of the Baltimore City Community College;

[(24)] **(23)** a member of the police force of the Hagerstown Community College; or

[(25)] **(24)** an employee of the Warrant Apprehension Unit of the Division of Parole and Probation in the Department.

5–212.

(a) This section does not apply to a citation:

(1) for a violation of a parking ordinance or regulation adopted under Title 26, Subtitle 3 of the Transportation Article; **OR**

(2) adopted by the Chief Judge of the District Court under § 1–605(d) of the Courts Article, for use in traffic offenses]; or

(3) issued by a Natural Resources police officer under § 1–205 of the Natural Resources Article].

(b) A bench warrant may be issued for the arrest of a defendant who fails to appear in court in response to a citation.

(c) A person who fails to appear in court in response to a citation is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 90 days or both.

### **Article – Health – General**

20–702.

(a) In this section, “moving vessel” means a vessel as defined in § 8–701 of the Natural Resources Article that:

(1) Is in the water; and

(2) Is not anchored or tied to a fixed object.

(b) (1) A physician, pharmacist, dentist, or nurse who treats an individual for an injury that was caused or shows evidence of having been caused by an accident involving a moving vessel, or the individual in charge of a hospital that treats the injured individual, shall notify the county sheriff, the county police, **OR** the Department of State Police[, or the Natural Resources Police] of the injury as soon as practicable.

(2) A police department notified of an accident involving a moving vessel promptly shall advise the Department of Natural Resources.

(c) A report of injury shall include:

(1) The injured individual's name and address, if known;

(2) A description of the injury; and

(3) Any other facts concerning the matter that might assist in detecting crime.

(d) An individual who fails to make a report under subsection (b)(1) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$25.

### **Article – Natural Resources**

1–104.

(j) The Secretary may exercise or perform any power, duty, responsibility, or function which any of the following units, or their successors, may exercise or perform: the Maryland Geological Survey, the Wildlife Administration, [the Natural Resources Police Force,] the Forest and Park Service, the Water Resource Administration, the Energy Administration, and the Tidewater Administration.

1–107.

(a) This section applies to [Natural Resources police officers and] employees commissioned as law enforcement officers of the State Forest and Park Service.

(b) (1) Notwithstanding any other provision of law, the Secretary may appoint without examination:

(i) A law enforcement officer who holds a commissioned rank to the rank of Major; and

(ii) A law enforcement officer who holds a commissioned rank of not less than Captain to the rank of Lieutenant Colonel.

(2) A law enforcement officer appointed in accordance with this subsection continues to serve at the pleasure of the Secretary.

(3) Notwithstanding any other provision of law, on termination of an appointment under this subsection, the Secretary may:

(i) Return the law enforcement officer to a vacant law enforcement officer position; or

(ii) Promote the law enforcement officer to a higher rank to which the law enforcement officer became eligible for promotion during the appointment.

(c) In cases of inconsistency between this section and the provisions of the State Personnel and Pensions Article, the provisions of this section shall control as to all matters relating to the appointment of a law enforcement officer of the Department to the rank of Major or Lieutenant Colonel.

2-405.

[The Natural Resources police] **STATE POLICE** officers and forest or park wardens of the State have the power of arrest and other powers necessary to enforce this subtitle.

4-211.

(e) The licensee shall allow any [Natural Resources police] **STATE POLICE** officer or any law enforcement officer to enter at all reasonable hours for the following purposes:

(1) To inspect the premises and holding facilities where operations are being carried on;

(2) To inspect finfish; and

(3) To inspect records.

4-220.

(c) (2) The following are grounds for an immediate suspension of a license issued under this title:

(i) Knowingly making a false statement in an application;

(ii) Three convictions for violations occurring on separate days within any 3-year period of provisions under this title;

(iii) Failure to submit a report required under this title or by regulation; or

(iv) Failure of a nonresident of the State to appear in court in accordance with a citation issued by a [Natural Resources police] **STATE POLICE**

officer, or to any other process issued by any court of Maryland, for violation of this title.

4-2A-07.

(a) Any person who violates the provisions of § 4-2A-05 of this subtitle, or fails to procure any permit required by § 4-2A-05 of this subtitle, or who violates the terms of any permit shall be fined not more than \$1,000 or be imprisoned not more than one year, or both.

(b) Any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer may conduct searches as provided by law, and execute a warrant to search for and seize any equipment, business records, merchandise, fish taken, used or possessed in connection with a violation of any subsection. Any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer, without a warrant, may arrest any person who the officer has probable cause to believe is violating, in his presence or view, this subtitle, any rule or regulation, or permit provided for by this subtitle. Any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer who has made an arrest of a person in connection with any violation may search the person, premises, or business records at the time of arrest and may seize any fish, records, or property taken, or used in connection with any violation.

(c) Equipment, merchandise, fish or records seized under the provisions of subsection (b) of this section shall be held by any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer pending disposition of court proceedings, and thereafter shall be forfeited to the State for destruction or disposition as the Secretary may deem appropriate. Prior to forfeiture the Secretary may direct the transfer of fish so seized to a qualified zoological, educational, or scientific institution for safekeeping, costs to be assessable to the defendant. The Secretary may issue rules and regulations to implement this section.

4-506.1.

(c) A [Natural Resources police] **STATE POLICE** officer or other police officer of the State who has probable cause to believe that a person has violated this section may:

- (1) Order the person to desist or to leave the area; or
- (2) Arrest the person who refuses to desist or to leave the area.

4-610.

A person shall possess his angler's license while angling in nontidal waters and, upon demand, shall exhibit the license to any [Natural Resources police] **STATE POLICE** officer, **OTHER** law enforcement officer, or landowner or his representative.

4-613.

(a) A [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer may confiscate a person's angler's license if it is transferred to another person or used or presented by a person other than the person to whom it was issued.

4-701.

(n) (3) The following are grounds for suspension or revocation of a tidal fish license:

(i) Making any false statement in an application for a tidal fish license;

(ii) A serious violation of a State or federal commercial fisheries law that results in a conviction or an accepted plea of nolo contendere;

(iii) Failure to submit reports required by the provisions of this title or by the Department pursuant to provisions of this title; or

(iv) Failure for a nonresident of the State to appear in court pursuant to a citation issued by a [Natural Resources police] **STATE POLICE** officer, or to any other process issued by any court of Maryland, for violation of this title.

4-713.

(b) A [Natural Resources police] **STATE POLICE** officer shall inspect every haul seine prior to its use in any portion of the waters of the Chesapeake Bay or its tributaries. If the [Natural Resources police] **STATE POLICE** officer determines that the seine complies with the provisions of this section, he shall affix a seal and number certifying that the haul seine is inspected and in compliance with provisions of this section. Any haul seine without a State seal or with a broken seal is an illegal one, and a person may not operate it.

4-742.

(b) (1) The action of the Department of the Environment to restrict an area of water becomes effective immediately upon giving formal notice of the action to the Department. Notice also shall be given the appropriate governing body and the committee of oystermen of any county affected by the restriction.

(2) The [Natural Resources] **STATE** Police [Force] shall patrol the area to warn watermen until public notice is given in newspapers of general circulation in each of the counties whose watermen work the restricted area normally. No arrests may be made until the next workday following the day the notice appeared unless the watermen fail to heed a warning of the officers.

(3) (i) If the Department of the Environment closes any area to the catching of shellfish under this section, in addition to the notice required in paragraph (1) of this subsection, the Department of Natural Resources shall mark the area so that the area can be seen from the water.

(ii) The Department of Natural Resources shall adopt rules and regulations to provide for the marking in a plain and visibly obvious fashion of any area that is closed to the catching of shellfish because of pollution. Even in the absence of such marking devices, a person may not catch shellfish in a restricted area as designated by the Department of the Environment if notice has been given to the appropriate governing body and the committee of watermen of any county affected by the restriction.

(c) (1) After establishing a restriction, the Department of the Environment shall test the water in the restricted area or inspect the source of pollution of the water. A copy of the report of analysis of every test and inspection shall be filed promptly with the appropriate governing body of every county affected by the restriction.

(2) Updated charts of the Chesapeake Bay and its tributaries showing all polluted areas shall be filed promptly with the appropriate governing body and oystermen's committee of every tidewater county. Copies of these charts shall be filed also with the Fisheries Administration and the [Natural Resources] **STATE** Police.

4-1012.

(b) Any boat sailing over any areas of the State which are exempt from dredging, by this subtitle or by rule or regulation of the Department, with any dredge, scrape, scoop, or similar instrument on board or in tow, may be apprehended by any [Natural Resources police] **STATE POLICE** officer or any other law enforcement officer. If the boat has on board any wet oysters, dredge, or dredge line, or if the deck is wet and the boat is equipped for catching oysters with dredge or similar instrument, these facts shall be prima facie evidence that the boat has been used to violate the provisions of this section.

4-1018.

(b) Due to the quantity of water contained in measures of newly shucked oysters, any proprietor or manager of a plant, house, or establishment shall measure oysters as received from the shuckers in a special gallon cup which contains no more than 9 pints. Any device other than this 9 pint gallon cup may not be used to measure

any oysters received from shuckers. A [Natural Resources police] **STATE POLICE** officer shall stamp every 9 pint gallon measure used in measuring newly shucked oysters. A proprietor or manager of any house, plant, or establishment which shucks oysters shall have every 9 pint gallon measure stamped.

4-1039.

(a) The Department may open or close any area in which the catching of soft-shell clams by hydraulic clam dredge is not prohibited under the provisions of this subtitle if: (1) in its opinion other natural resources will not be significantly damaged; (2) the area to be opened is clearly defined and plainly marked; and (3) the area is patrolled by [Natural Resources] **STATE** Police vessels during dredging operations.

(b) In any area where hydraulic clam dredging is prohibited under § 4-1038(a) of this subtitle the Department may open selected areas if the areas opened are patrolled by [Natural Resources] **STATE** Police vessels during dredging operations.

4-11A-03.2.

(a) There is an Aquaculture Coordinating Council.

(b) The Coordinating Council shall consist of the following 17 members:

(1) 1 member of the Maryland Senate designated by the President of the Senate;

(2) 1 member of the Maryland House of Delegates designated by the Speaker of the House;

(3) 1 representative of the Department of Agriculture designated by the Secretary of Agriculture;

(4) 1 representative of the Department of [Natural Resources] **STATE** Police designated by the Secretary of [Natural Resources] **STATE POLICE**;

(5) 1 representative of the Department of Natural Resources, Fisheries Service, designated by the Secretary of Natural Resources;

(6) 2 representatives of the University of Maryland designated by the President of the University of Maryland, College Park:

(i) 1 with expertise in aquaculture research; and

(ii) 1 representing the Maryland Cooperative Extension;

(7) 1 representative of the Department of Business and Economic Development designated by the Secretary of Business and Economic Development;

(8) 1 representative of the Department of the Environment designated by the Secretary of the Environment;

(9) 1 representative of the Department of Health and Mental Hygiene designated by the Secretary of Health and Mental Hygiene;

(10) 3 representatives of the aquaculture industry designated by the Governor;

(11) 3 tidal fisheries licensed harvesters, including at least one who is a member of the Maryland Watermen's Association designated by the Governor; and

(12) 1 representative designated by the President of the University of Maryland Center for Environmental Science.

4-1203.

If any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer has probable cause to believe that any person possesses any fish or any device in violation of this title, the officer shall go before any District Court judge of the county in which the fish or device is supposed to be and make affidavit to that fact. If the judge finds the affidavit legally sufficient, the judge shall issue a search warrant against the person complained of, directed to the officer making the affidavit, commanding the officer to proceed at once and search for the fish or device and, upon finding it, to seize, take possession, and keep it until further order by the judge. The warrant shall be executed pursuant to Rule 4-601 of the Maryland Rules. The warrant shall be returned within 5 days from the issuing date or within a shorter period of time as set forth in the search warrant.

4-1204.

(a) If a [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer has probable cause to believe that any fish or device is possessed, in violation of this title, and it is not possible or feasible to secure a search warrant in time to seize the fish or device, then he may examine without a warrant any boat, railway car, box, crate, package, or game bag.

(b) In this event, a [Natural Resources police] **STATE POLICE** officer, in uniform or accompanied by a uniformed police officer, may stop and search an automobile, any vehicle, or trailer for the purpose of examining the fish bag. He also may determine whether the person has an appropriate license.

(c) However, this section does not permit entering a dwelling house without first procuring a search warrant.

4-1205.

A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, shall seize every fish unlawfully caught, sold, offered for sale, transported, or possessed. The Department may dispose of the seized fish at its discretion.

4-1206.

(a) A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer, upon arresting any person for violating any provision of this title or any rule or regulation promulgated pursuant to it, may seize every device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department **OF STATE POLICE** for disposition at its discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to the owner or person charged.

(b) However, the device, equipment, conveyance, or property may not be forfeited if the owner was not a consenting party or privy to a violation.

5-206.

(a) The Secretary may commission any person to act as a forest or park warden, subject to removal at any time at the pleasure of the Secretary. While holding office, a warden has and may exercise the authority and power of a [Natural Resources police officer or a] law enforcement officer as provided in his commission so far as arresting and prosecuting persons for violations of any forest or park laws or of the laws, rules and regulations enacted for the protection of the State forestry reservations, State parks, historic monuments, recreation areas, or for the protection of fish and game.

(b) The Secretary shall, within the limits of any appropriation made for this purpose, commission forest, park, and wildlife rangers as the Secretary deems necessary for the enforcement of laws and regulations as provided in this subsection. All appointments shall be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article. An employee so commissioned and assigned law enforcement duties has and may exercise the powers of a [Natural Resources police officer or a] law enforcement officer of the State. These powers may be exercised upon:

- (1) Properties owned by the State and managed by the Department;
  - (2) Railroad rights-of-way and utility properties which are not owned by the State, but which traverse properties owned by the State and managed by the Department;
  - (3) All public and private properties which are within the boundaries of State properties managed by the Department;
  - (4) All waters of the State within one mile of the shoreline of all properties owned by the Department;
  - (5) All public and private property adjoining property owned by the State and managed by the Department;
  - (6) All park property in Maryland owned by the federal government;
  - (7) All roadways within the boundaries of or that portion of roadway adjoining properties owned by the State and managed by the Department; and
  - (8) Any property in Maryland for the purpose of executing a warrant that has resulted from law enforcement activities on property on which a forest, park, and wildlife ranger may exercise law enforcement powers.
- (c) In exercising the powers granted under subsection (b) of this section, the law enforcement officer shall make every attempt to minimize delay of the operations of railroads and all utilities.
- (d) Unless the Department has a signed memorandum of understanding with the law enforcement agency with primary jurisdiction over the property, a forest, park, and wildlife ranger may not exercise law enforcement powers under the provisions of subsection (b)(3) and (5) of this section.
- (e) All forest, park, and wildlife rangers, including persons appointed for training prior to regular assignment as a ranger, shall remain in a probationary status for a period of 2 years from the date of initial appointment. The Secretary may discharge an employee in probationary status for any cause which is deemed sufficient in the sole discretion of the Secretary.
- [(f) (1) Whenever Natural Resources police officers receive a salary increase, forest and park rangers in the State Forest and Park Service shall receive a salary increase in the same percentage as the salary increase received by Natural Resources police officers.

(2) Whenever Natural Resources police officers receive a grade or step increase, forest and park rangers in the State Forest and Park Service shall receive an equal grade or step increase.

(g) Subject to § 1–107 of this article, in cases of inconsistency between this subtitle and the provisions of the State Personnel and Pensions Article, the provisions of this subtitle shall control as to all matters relating to Natural Resources law enforcement officers.]

8–709.

(c) Notwithstanding the provisions of subsection (a) of this section, the Department may propose an appropriation from the Waterway Improvement Fund to support marine operations of the [Natural Resources] STATE Police not exceeding[:

(1) \$1,700,000 in the Department's fiscal year 2006 budget; and

(2)] \$2,000,000 in the Department's [fiscal year 2007] budget[, and every year thereafter].

8–712.2.

(a) (1) Except as otherwise provided in paragraphs (3), (4), and (5) of this subsection, a person born on or after July 1, 1972 may not operate on the waters of the State a vessel for pleasure that is required to be numbered in accordance with this subtitle or a vessel for pleasure that is required to be numbered in accordance with the Federal Boat Safety Act of 1971 without first obtaining a certificate of boating safety education.

(2) A person who is subject to the provisions of paragraph (1) of this subsection shall:

(i) Possess the certificate of boating safety education when operating a vessel on waters of the State; and

(ii) Show the certificate on the demand of a [Natural Resources police] STATE POLICE officer or other law enforcement officer.

(3) The following persons are exempt from the requirements of this section:

(i) A person who is operating a vessel in connection with commercial purposes;

(ii) A person who is a resident of another state and who is visiting the State for 60 days or less in a vessel that is numbered in another state if:

1. The person is 16 years old or older; or
2. The person has been issued a boating safety certificate in accordance with the provisions of subsection (c)(6) of this section;
  - (iii) A person who is visiting the State for 90 days or less in a vessel from a country other than the United States;
  - (iv) A person operating a vessel on a body of water located on private property; and
  - (v) Any other person exempted by regulation of the Department.
- (4) When a vessel numbered in accordance with this subtitle or in accordance with the Federal Boat Safety Act of 1971 is operated for pleasure on waters of the State, at least 1 person on the vessel must:
  - (i) Possess the certificate of boating safety education; or
  - (ii) Be exempt from the certification requirements of paragraph (1) of this subsection.
- (5) A person who is under the age of 16 and who operates a vessel numbered in accordance with this subtitle or in accordance with the Federal Boat Safety Act of 1971 must:
  - (i) Possess a certificate of boating safety education;
  - (ii)
    1. If operating a vessel under 11 feet in length, be under the supervision of a person who has obtained a certificate of boating safety education and is aboard the vessel; or
    2. If operating a vessel 11 feet in length or greater, be under the supervision of a person who is 18 years or older and has obtained a certificate of boating safety education and is aboard the vessel; or
  - (iii) Be under the supervision of a person who was born before July 1, 1972 and is aboard the vessel.
- (f) (1) A [Natural Resources police] **STATE POLICE** officer or other law enforcement officer may enforce the provisions of this section only as a secondary action when the officer detains an operator of a vessel for a suspected violation of another provision of the Code or regulations adopted in accordance with another provision of the Code.

(2) A person may be cited but not apprehended solely for a violation of this section.

8-726.1.

(d) The [Natural Resources] **STATE** Police [Force] shall enforce this section.

8-727.

(b) A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer enforcing the provisions of this subtitle may stop, board, or inspect any vessel subject to this subtitle.

10-2A-07.

(b) Any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer may conduct searches as provided by law, and execute a warrant to search for and seize any equipment, business records, merchandise, wildlife, or plants taken, used, or possessed in connection with a violation of any subsection. Any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer, without a warrant, may arrest any person who the officer has probable cause to believe is violating, in the officer's presence or view, this subtitle or any regulation or permit provided for by this subtitle. Any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer who has made an arrest of a person in connection with any violation may search the person, premises, or business records at the time of arrest and may seize any wildlife, plants, records, or property taken, or used in connection with any violation.

(c) Equipment, merchandise, wildlife, plants or records seized under the provisions of subsection (b) of this section shall be held by any [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer pending disposition of court proceedings, and after disposition of court proceedings shall be forfeited to the State for destruction or disposition as the Secretary may deem appropriate. Prior to forfeiture the Secretary may direct the transfer of wildlife or plants so seized to a qualified zoological, botanical, educational, or scientific institution for safekeeping, costs to be assessable to the defendant. The Secretary may issue regulations to implement this section.

10-301.3.

(d) All proceeds from sales of hunting licenses under this section shall be used by the Department to fund conservation law enforcement by the [Natural Resources] **STATE** Police [Force].

10-306.

A person shall have in the person's possession the person's hunter's license while hunting and, upon demand, shall exhibit the license to the [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer, the landowner on whose property the person is hunting, or the landowner's representative.

10-312.

(a) A [Natural Resources police] **STATE POLICE** officer or **OTHER** law enforcement officer shall confiscate a person's hunter's license if the license is used or presented by a person other than the person to whom the license was issued.

10-413.

(c) Any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer may kill any dog, which does not bear a license, found destroying game birds or mammals or the nest or eggs of any game bird or mammal.

(d) A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer shall and any other person may destroy any cat found hunting any game bird or mammal or protected bird or mammal. A cause of action for damages cannot be maintained for this act.

10-415.

(b) (1) Every person killing a deer shall report with the deer to a designated checking station within 24 hours after killing the deer.

(2) Notwithstanding any requirement of law, if the designated checking stations are closed in the county where a person kills a deer, a [Natural Resources police] **STATE POLICE** officer shall authorize the person to report with the deer to a designated checking station in another county.

(f) Any person who, while operating a motor vehicle on any highway in the State, accidentally strikes and kills a deer on the highway may have the deer if the person produces visible evidence of collision with the deer to any [Natural Resources police] **STATE POLICE** officer, State law enforcement officer, or other designated representative of the Secretary. The provisions of this subsection shall be applicable to deer killed by collision with a motor vehicle at any time whether during the open season for killing deer or during the legally closed season.

10-416.

(b) (1) Except as provided in regulations adopted by the Department under paragraph (2) of this subsection, a person may not:

(i) Take a dog into the woods or possess or control a dog in the woods; and

(ii) Use the dog to hunt or pursue deer.

(2) The Department shall adopt regulations governing the use of dogs to aid in the prompt recovery of killed, wounded, or injured deer.

(3) (i) In Baltimore, Harford, Howard, Montgomery, Prince George's, Somerset, Washington, and Worcester counties, a person may not kill a dog found pursuing a deer.

(ii) In all other counties, any [Natural Resources police] **STATE POLICE** officer, **ANY OTHER** law enforcement officer, or any other person may kill any dog found pursuing any deer, except in accordance with regulations adopted under paragraph (2) of this subsection.

(iii) In Caroline, Dorchester, Talbot, Kent, Anne Arundel, Cecil, Charles, Garrett, St. Mary's, Queen Anne's, Frederick, Carroll, and Calvert counties, dogs that are engaged in fox hunting and who have broken away may not be killed under this paragraph.

10-417.

(a) A person may not export from the State any game bird or mammal, except wild waterfowl and fur-bearing mammals. However, a licensed hunter may take out as personal baggage in the open season only the prescribed possession limit as set by regulation. The hunter shall produce the hunter's hunting license upon demand of any [Natural Resources police] **STATE POLICE** officer, any **OTHER** law enforcement officer, or agent of the common carrier. An express company or any common carrier knowingly may not accept any game bird or mammal, except wild waterfowl or fur-bearing mammals, for shipment within or outside the State.

10-422.

(c) A [Natural Resources police] **STATE POLICE** officer or other police officer of the State who has probable cause to believe that a person has violated this section may:

(1) Order the person to desist or to leave the area; or

(2) Arrest the person on refusal to desist or leave the area.

10-425.

(g) At any reasonable hour, a licensee shall allow any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer to enter and inspect the premises where the operation is conducted and to inspect records.

10-506.

(g) The licensee shall allow any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer to enter the premises and holding facilities where operations are being carried on at all reasonable hours for the following purposes:

- (1) To inspect the premises and holding facilities where operations are being carried on;
- (2) To inspect wildlife; and
- (3) To inspect records.

10-508.

A fur dealer shall carry the license on the dealer's person and shall exhibit the license upon demand. The licensee shall allow any [Natural Resources police] **STATE POLICE** officer and any **OTHER** law enforcement officer to enter and inspect the premises where operations are being carried on and to inspect records at any reasonable hour.

10-512.

(e) The licensee shall allow any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer to enter the premises and holding facilities where operations are being carried on at all reasonable hours for the following reasons:

- (1) To inspect the premises and holding facilities where operations are being carried on;
- (2) To inspect wildlife; and
- (3) To inspect records.

10-906.

(d) (1) Any person desiring to hunt on any regulated shooting ground shall first obtain a special license. However, a person holding a resident or nonresident hunter's license may not be required to obtain the license prescribed by this section.

(2) The license shall bear the signature of the Secretary and shall be countersigned by the issuing agent who at the same time shall fill out a stub attached to the license with the name and address of the licensee. The agent then shall detach the stub and mail it to the Secretary the first day of each month. The agent shall retain 50 cents as compensation for issuing each license. The agent shall deliver the properly executed license to the applicant in person or by mail without further cost. The licensee shall insert the licensee's name in ink on the license at the time of purchase.

(3) The Department shall charge a reasonable fee for the purchase of a special license.

(4) The license shall expire on June 30 after the date of issuance.

(5) The license is not transferable and if used or presented by any person other than the person to whom it was issued, the license shall be confiscated by the Secretary, any [Natural Resources police] **STATE POLICE** officer, or any **OTHER** law enforcement officer.

10-1103.

If any [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer has probable cause to believe that any person possesses any bird, mammal, amphibian, or reptile or any device in violation of this title, the officer shall go before any District Court judge of the county in which the species of wildlife or device is believed to be and make affidavit to that fact. If the judge finds the affidavit legally sufficient, the judge shall issue a search warrant against the person complained of, directed to the officer making the affidavit, commanding the officer to proceed at once and search for the bird, mammal, amphibian, or reptile or the device and, upon finding it, to seize, take possession, and keep it until further order by the judge. The warrant shall be executed pursuant to the Maryland Rules. The warrant shall be returned within 5 days from the issuing date or within a shorter period of time set forth in the search warrant.

10-1104.

(a) If a [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer has probable cause to believe that any species of wildlife or any device is possessed in violation of this title, and it is not possible or feasible to secure a search warrant in time to seize the bird, mammal, amphibian, or reptile or the device, then the [Natural Resources police] **STATE POLICE** officer may examine any boat, railway car, box, crate, package, or game bag without a warrant.

(b) In this event, a [Natural Resources police] **STATE POLICE** officer, in uniform or accompanied by a uniformed police officer, may stop and search an automobile, any vehicle, or trailer for the purpose of examining the game bags. The

[Natural Resources police] **STATE POLICE** officer also may determine whether the person has an appropriate license.

10-1105.

A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer, upon arresting any person for violating any provision of this title or any regulation adopted pursuant to this title, may seize every bird, mammal, reptile, and amphibian unlawfully caught, sold, offered for sale, transported, or possessed. The Department may dispose of any seized species of wildlife at the Department's discretion.

10-1106.

(a) A [Natural Resources police] **STATE POLICE** officer or any **OTHER** law enforcement officer, upon arresting any person for violating any provision of this title or any regulation adopted pursuant to this title, may seize any device, equipment, conveyance, or property unlawfully used. If the owner or person in charge of the seized device, equipment, conveyance, or property is convicted, the court may declare the device, equipment, conveyance, or property forfeited, in addition to any other penalty provided in this title. Any forfeiture becomes the property of the Department for disposition at the Department's discretion. If the owner is not known, the court may proceed ex parte to hear and determine any question of forfeiture. If the owner or person charged with the violation is not convicted, the device, equipment, conveyance, or property seized shall be released and returned to the owner or person.

### **Article – Public Safety**

2-301.

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

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

- (i) preserve the public peace;
- (ii) detect and prevent the commission of crime;
- (iii) enforce the laws and ordinances of the State, counties, and municipal corporations;
- (iv) apprehend and arrest criminals and those who violate or are lawfully accused of violating the laws and ordinances of the State, counties, and municipal corporations;

- (v) preserve order at public places;
- (vi) maintain the safe and orderly flow of traffic on public streets and highways;
- (vii) cooperate with and assist law enforcement agencies in carrying out their respective duties;

(viii) investigate any death of an inmate suspected to be a homicide within or outside a correctional facility as provided in § 9–602.1 of the Correctional Services Article; [and]

(ix) **ENFORCE THE NATURAL RESOURCE LAWS OF THE STATE; AND**

(X) discharge the duties and responsibilities of the Department with the dignity and in a manner that will inspire public confidence and respect.

(b) The Department shall:

(1) administer the laws that relate to:

- (i) the sales of pistols and revolvers;
  - (ii) the licensing and supervision of private detective agencies;
  - (iii) the certification of private detectives and security guards;
  - (iv) the registration of eavesdropping or wiretapping devices;
- and

(v) the inspection of classes of motor vehicles as provided elsewhere in the Code; and

(2) perform any other duty that may be assigned by the General Assembly.

#### **Article – State Personnel and Pensions**

8–308.

- (b) (1) In this subsection, “off–duty hours” means any hours:
  - (i) during a law enforcement employee’s scheduled off–duty day; or

(ii) during a law enforcement employee's on-duty day after the employee has gone off duty.

(2) Except as otherwise provided in this subsection, a law enforcement employee of any unit of State government who is called to duty on the employee's scheduled off-duty day is entitled to be paid at the rate of one and one-half times the employee's regular hourly rate of pay for each hour worked on the off-duty day.

(3) Except as provided in paragraph (4) of this subsection, a law enforcement employee of the Department of State Police holding a noncommissioned rank or a law enforcement employee of the Department of Natural Resources holding a rank of [sergeant or below,] park ranger supervisor or below, or park services supervisor or below who is called to duty during the employee's off-duty hours is entitled to be paid at the rate of one and one-half times the employee's regular hourly rate of pay for the greater of:

- (i) the hours worked during the off-duty hours; or
- (ii) 4 hours.

(4) A law enforcement employee of the Department of State Police holding a noncommissioned rank [or a law enforcement employee of the Department of Natural Resources holding a rank of sergeant or below] who makes an appearance in court on official duty during the employee's off-duty hours is entitled to be paid at the rate of one and one-half times the employee's regular hourly rate of pay for the greater of:

- (i) the hours worked during the off-duty hours; or
- (ii) 2 hours.

(c) A law enforcement employee of any unit of State government, or a police communications operator of the Department of State Police [or Natural Resources Police] who is required to work 4 or more hours on New Year's Day, Thanksgiving Day, or Christmas Day, or who is scheduled to be off duty on New Year's Day, Thanksgiving Day, or Christmas Day and is called to duty on any part of that day is entitled to:

- (1) compensatory time of 1 day; and
- (2) payment at the rate of one and one-half times the employee's regular hourly rate of pay for each hour worked on that day.

(c) A law enforcement employee of the Department of State Police holding a commissioned rank [or a law enforcement employee of the Natural Resources Police holding a rank above sergeant] may not receive payment for any overtime work, but may be granted compensatory time for overtime work.

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

(1) an employee of the Department of Natural Resources commissioned by the Secretary of Natural Resources as[

(i) a Natural Resources police officer; or

(ii)] a law enforcement officer[, other than a Natural Resources police officer];

(2) a law enforcement officer employed by the Field Enforcement Bureau;

(3) a member of the Maryland Transportation Authority Police Force who has the powers granted to a police officer under § 4–208 of the Transportation Article;

(4) a deputy sheriff employed by the Baltimore City Sheriff's Department;

(5) a member of the University of Maryland Police Force who has the powers granted to a police officer under § 13–601 of the Education Article;

(6) a law enforcement officer or firefighter employed by a participating governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers' Pension System;

(7) the State Fire Marshal or a Deputy State Fire Marshal;

(8) a member of the Morgan State University Police Force who has the powers granted to a police officer under § 14–106 of the Education Article;

(9) a member of the BWI Airport Fire & Rescue Department;

(10) a member of the Department of General Services Police Force who has the powers granted to a police officer under § 4–605 of the State Finance and Procurement Article;

(11) an employee of the Department of Health and Mental Hygiene commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental Hygiene police officer;

(12) an employee of the Motor Vehicle Administration commissioned by the Secretary of Transportation as a Motor Vehicle Administration police officer;

(13) an employee of the Department of Labor, Licensing, and Regulation commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing, and Regulation police officer;

(14) a firefighter or law enforcement officer for the Martin State Airport employed by the Military Department;

(15) a police officer employed by the Division of Rehabilitation Services in the Department of Education, certified in accordance with the Maryland Police and Correctional Training Commissions;

(16) a firefighter or paramedic employed by the Salisbury Fire Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this article;

(17) an aviator employed by the Department of State Police to operate an aircraft for the State Emergency Medical System;

(18) a member of the Maryland Transit Administration Police Force who has the powers granted to a police officer under § 7–207 of the Transportation Article;

(19) an individual who is elected or appointed as the Baltimore City Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this article within 6 months of the date the individual begins serving as the Baltimore City Sheriff;

(20) a member of the Department of Public Safety and Correctional Services Internal Investigative Unit who has the powers granted to a police officer under § 10–701 of the Correctional Services Article; or

(21) a police officer employed by the Baltimore City Community College who has the power granted to a police officer under § 16–513 of the Education Article.

### **Article – Transportation**

16–205.1.

(i) Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(1) May not be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer unless the law enforcement agency of which the officer is a member has the capacity to have such tests conducted;

(2) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer who is a trainee, has been trained, or is participating directly or indirectly in a program of training that is:

(i) Designed to train and certify police officers as drug recognition experts; and

(ii) Conducted by a law enforcement agency of the State, or any county, municipal, or other law enforcement agency in the State described in items (3)(i)1 through 12 of this subsection:

1. In conjunction with the National Highway Traffic Safety Administration; or

2. As a program of training of police officers as drug recognition experts that contains requirements for successful completion of the training program that are the substantial equivalent of the requirements of the Drug Recognition Training Program developed by the National Highway Traffic Safety Administration; and

(3) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section:

(i) In the case of a police officer who is a trainee, or who is participating directly or indirectly in a program of training described in paragraph (2) of this subsection, if the police officer is a member of, and is designated as a trainee or a participant by the head of:

1. The Department of State Police;
2. The Baltimore City Police Department;
3. A police department, bureau, or force of a county;
4. A police department, bureau, or force of an incorporated city or town;
5. The Maryland Transit Administration Police Force;

6. The Maryland Port Administration Police Force of the Department of Transportation;
7. The Maryland Transportation Authority Police Force;
8. The Police Force of the University of Maryland or Morgan State University;
9. The police force for a State university or college under the direction and control of the University System of Maryland;
10. A sheriff's department of any county or Baltimore City;
11. The [Natural Resources Police Force or the] Forest and Park Service Police Force of the Department of Natural Resources; or
12. The security force of the Department of General Services; or

(ii) In the case of a police officer who has been trained as a drug recognition expert, if the police officer is a member of, and certified as a drug recognition expert by the head of one of the law enforcement agencies described in items (3)(i)1 through 12 of this subsection.

SECTION 4. AND BE IT FURTHER ENACTED, That as of July 1, 2014, the Natural Resources Police Force is hereby abolished as a unit within the Department of Natural Resources and that, as of July 1, 2014, all the functions, powers, duties, records in paper and electronic format, equipment, property, assets, liabilities, and employees of the Natural Resources Police Force shall be transferred to the Department of State Police.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) All employees who are transferred to the Department of State Police from the Natural Resources Police Force within the Department of Natural Resources shall be so transferred without diminution of their rights, benefits, or employment and retirement status.

(b) An employee transferred under this Act shall be appointed without further examination or qualification. The employee shall be placed in a classification or rank that is comparable in duties and responsibilities to the employee's former position. The employee may not suffer a diminution of salary or wages, accrued leave, whether earned or granted, or seniority rights.

SECTION 6. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of a member of the Aquaculture Coordinating Council. A person who is a member of such council on the effective date of this Act shall remain a member for the balance of the term to which appointed, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 7. AND BE IT FURTHER ENACTED, That any transaction affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred, and validly entered into before July 1, 2014, and every right, duty, or interest flowing from the statute remains valid after July 1, 2014, and may be terminated, completed, consummated, or enforced as required or permitted by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) Pursuant to the plan of reorganization that is proposed by this Act, the publishers of the Annotated Code of Maryland, subject to the approval of the Maryland Department of Legislative Services, shall propose the correction of any agency names and titles throughout the Annotated Code that are rendered incorrect by this Act.

(b) To the extent necessitated by this Act, the Department of Legislative Services, in conjunction with the publishers of the Annotated Code, shall revise the Annotated Code of Maryland in order to conform the Code to the abolishment of the Natural Resources Police Force and the transfer of the powers and duties to the Department of State Police, as required under this Act, and this statutory revision shall be ratified by passage of the Annual Corrective Bill of 2015.

SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.