

HOUSE BILL 76

E4

6lr0109

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: January 15, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Investigation Authority**

3 FOR the purpose of expanding the authority of members of the Department of State Police
4 to investigate and enforce certain violations within a municipal corporation under
5 certain circumstances; and generally relating to the authority of the Department of
6 State Police.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 2–412
10 Annotated Code of Maryland
11 (2011 Replacement Volume and 2015 Supplement)

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

14 **Article – Public Safety**

15 2–412.

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

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

20 (3) “Municipal corporation” includes Baltimore City.

21 (b) (1) Police employees have throughout the State the same powers,
22 privileges, immunities, and defenses as sheriffs, constables, police officers, and other peace

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 officers possessed at common law and may now or in the future exercise within their
2 respective jurisdictions.

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

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

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

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

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

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

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

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

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

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

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

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

26 (11) when [enforcing § 11–207 of the Criminal Law Article] **CONDUCTING**
27 **INVESTIGATIONS RELATING TO OR OTHERWISE ENFORCING §§ 3–324, 3–804, 3–805,**
28 **3–902, 7–302, 11–207, 11–208, 11–303, 11–304, 11–305, AND 11–306 OF THE**
29 **CRIMINAL LAW ARTICLE;**

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

- 1 2. when rendering assistance to a police officer;
- 2 3. when acting at the request of a local police officer; or
- 3 4. when an emergency exists; and

4 (ii) when acting in accordance with regulations adopted by the
5 Secretary to implement this item; **OR**

6 (13) [when conducting investigations relating to or otherwise enforcing §
7 7–302 of the Criminal Law Article; or

8 (14)] when conducting an investigation under § 9–602.1 of the Correctional
9 Services Article.

10 (d) A police employee may not be placed on detached service and act for a federal
11 department, agency, or committee outside of the State without the written approval of the
12 Governor or as otherwise provided by law.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.