

HOUSE BILL 1169

E2, D2
HB 1403/17 – JUD

8lr1686
CF SB 343

By: **Delegates Anderson, Ali, D. Barnes, Conaway, Gibson, Glenn, Haynes, R. Lewis, McIntosh, Queen, Rosenberg, and M. Washington**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Office of State’s Attorney – Authority to Appoint Criminal**
3 **Investigators**

4 FOR the purpose of authorizing the State’s Attorney for Baltimore City to appoint certain
5 criminal investigators, subject to the approval of the Mayor and City Council of
6 Baltimore City; authorizing the State’s Attorney for Baltimore City to designate a
7 chief investigator and assign other ranks and titles to certain criminal investigators
8 under certain circumstances; providing that a criminal investigator who is appointed
9 under this Act shall serve at the pleasure of the State’s Attorney for Baltimore City,
10 is subject to the regulations of the State’s Attorney for Baltimore City, shall perform
11 the duties that the State’s Attorney for Baltimore City designates, shall take a
12 certain oath of office, shall meet certain criteria regarding training and experience,
13 may serve a certain summons or subpoena, may wear or display certain badges, and
14 is not subject to the Law Enforcement Officers’ Bill of Rights; authorizing the State’s
15 Attorney for Baltimore City to designate a criminal investigator as a peace officer
16 under certain circumstances; providing that a criminal investigator designated as a
17 peace officer may not be subject to the Law Enforcement Officers’ Bill of Rights;
18 authorizing a criminal investigator designated as a peace officer to arrest a certain
19 person, serve a certain warrant, summons, or subpoena, and possess and carry a
20 certain firearm; and generally relating to the Office of the State’s Attorney for
21 Baltimore City.

22 BY adding to

23 Article – Criminal Procedure

24 Section 15–403.1

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2017 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Procedure

15-403.1.

(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.

(B) (1) SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, THE STATE'S ATTORNEY MAY APPOINT FULL-TIME OR PART-TIME CRIMINAL INVESTIGATORS.

(2) IF THE STATE'S ATTORNEY APPOINTS MORE THAN ONE CRIMINAL INVESTIGATOR, THE STATE'S ATTORNEY MAY DESIGNATE ONE AS CHIEF INVESTIGATOR AND ASSIGN OTHER RANKS AND TITLES TO THE OTHER CRIMINAL INVESTIGATORS.

(3) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS SUBSECTION:

(I) SHALL SERVE AT THE PLEASURE OF THE STATE'S ATTORNEY;

(II) IS SUBJECT TO THE REGULATIONS OF THE STATE'S ATTORNEY;

(III) SHALL PERFORM THE DUTIES THAT THE STATE'S ATTORNEY DESIGNATES;

(IV) SHALL TAKE AN OATH OF OFFICE THAT THE CLERK OF THE CIRCUIT COURT ADMINISTERS;

(V) SHALL MEET THE CRITERIA REGARDING TRAINING AND EXPERIENCE THAT THE STATE'S ATTORNEY REQUIRES;

(VI) MAY SERVE A SUMMONS OR SUBPOENA THAT THE STATE'S ATTORNEY ISSUES;

(VII) MAY WEAR OR DISPLAY APPROPRIATE METALLIC BADGES THAT THE STATE'S ATTORNEY AUTHORIZES; AND

(VIII) IS NOT SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

1 **(4) THE STATE’S ATTORNEY MAY DESIGNATE A CRIMINAL**
2 **INVESTIGATOR AS A PEACE OFFICER IF THE CRIMINAL INVESTIGATOR MEETS THE**
3 **SELECTION AND TRAINING STANDARDS OF THE POLICE TRAINING COMMISSION AS**
4 **SET FORTH IN TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.**

5 **(5) A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER**
6 **MAY NOT BE SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.**

7 **(6) IN ADDITION TO THE AUTHORITY, DUTIES, AND LIMITATIONS**
8 **DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CRIMINAL**
9 **INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY:**

10 **(I) ARREST A PERSON WHO COMMITS A CRIME IN BALTIMORE**
11 **CITY;**

12 **(II) SERVE A WARRANT, SUMMONS, OR SUBPOENA THAT THE**
13 **DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY OR A CIRCUIT COURT**
14 **ISSUES; AND**

15 **(III) POSSESS AND CARRY A FIREARM, INCLUDING A HANDGUN,**
16 **OR ANY OTHER WEAPON THAT THE STATE’S ATTORNEY REQUIRES.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2018.