

**SB0793/493229/2**

BY: Senator Washington

AMENDMENTS TO SENATE BILL 793, AS AMENDED

(First Reading File Bill – Second Printing)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0793/408976/1), strike in their entirety Amendments Nos. 1, 3, 4, 5, 6, and 7.

AMENDMENT NO. 2

On pages 1 and 2 of the bill, strike beginning with “authorizing” in line 16 on page 1 down through “understanding;” in line 12 on page 2 and substitute “providing that a University of Maryland police officer may exercise certain powers only in certain areas; authorizing an independent institution of higher education to establish a police department based on a certain memorandum of understanding under certain circumstances; providing for the content of the memorandum of understanding; authorizing the establishment of an independent institution of higher education police department fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the independent institution of higher education to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund;”; in lines 13 and 13 and 14, in each instance, strike “the University” and substitute “a certain independent institution of higher education”.

On page 3 of the bill, after line 11, insert:

“BY repealing and reenacting, without amendments,

Article - Education

Section 10–101(a) and (g)

Annotated Code of Maryland

(Over)

(2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, with amendments,

Article - Education

Section 13-601

Annotated Code of Maryland

(2018 Replacement Volume and 2018 Supplement)”;

in line 14, strike “24–1209” and substitute “24–1203”; and in line 15, strike “the Johns Hopkins University” and substitute “an Independent Institution of Higher Education”.

On pages 3 and 4 of the bill, strike in their entirety the lines beginning with line 18 on page 3 through line 14 on page 4, inclusive.

AMENDMENT NO. 3

On pages 8 through 20 of the bill, strike in their entirety the lines beginning with line 19 on page 8 through line 4 on page 20, inclusive, and substitute:

“10–101.

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

(g) “Independent institution of higher education” means a private nonprofit institution of higher education that generally limits enrollment to graduates of secondary schools, serves a public purpose, and awards degrees at the associate, baccalaureate, or graduate level.

13–601.

(a) There is a University of Maryland Police Force.

(b) (1) A University of Maryland police officer is and has all the powers of a peace and police officer in this State.

(2) However, a University of Maryland police officer may exercise these powers only on property [that is owned, leased, operated by, or under the control of the University of Maryland] **OR IN FACILITIES THAT ARE COVERED UNDER 20 U.S.C. § 1092(F)(6)(A)(II)**. The police officer may not exercise these powers on any other property unless:

(i) Engaged in fresh pursuit of a suspected offender;

(ii) Requested or authorized to do so by the chief executive officer or chief police officer of any county;

(iii) Necessary in order to facilitate the orderly flow of traffic to and from property owned, leased, operated by, or under the control of the University of Maryland; [or]

(iv) Ordered to do so by the Governor; **OR**

**(V) DOING SO IN ACCORDANCE WITH A MEMORANDUM OF UNDERSTANDING ESTABLISHED IN ACCORDANCE WITH TITLE 24, SUBTITLE 12 OF THIS ARTICLE.**

(c) (1) In consultation with the Secretary of State Police and the Maryland Police Training and Standards Commission, the Board of Regents shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for University of Maryland police officers, including standards for the performance of their duties.

(2) To the extent practicable, the Board shall adopt standards that are similar to the standards adopted for the Department of State Police.

(3) Standards adopted on or after July 1, 1975, on minimum hiring qualifications of University of Maryland police officers may not affect the status of any individual who was a qualified University of Maryland police officer on that date.

(d) The Board of Regents shall adopt rules and regulations governing the operation and conduct of the University of Maryland Police Force and of University of Maryland police officers.

(e) The Board of Regents may authorize the presidents of the constituent institutions to make use of a campus security force or building guards in addition to a campus police force.

**SUBTITLE 12. POLICE DEPARTMENT OF AN INDEPENDENT INSTITUTION OF  
HIGHER EDUCATION.**

**24-1201.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “FUND” MEANS AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT FUND.**

**(C) “INDEPENDENT INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10-101 OF THIS ARTICLE.**

**24-1202.**

(A) SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION MAY ESTABLISH A POLICE DEPARTMENT BASED ON A MEMORANDUM OF UNDERSTANDING.

(B) (1) THE MEMORANDUM OF UNDERSTANDING SHALL BE MADE WITH THE POLICE DEPARTMENT OF THE LOCAL JURISDICTION WHERE THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION IS LOCATED.

(2) THE POLICE DEPARTMENT OF THE LOCAL JURISDICTION WHERE THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION IS LOCATED SHALL HAVE PRIMARY RESPONSIBILITY FOR INVESTIGATIONS AND ARRESTS.

(C) THE MEMORANDUM OF UNDERSTANDING SHALL:

(1) PROHIBIT THE POLICE DEPARTMENT FROM FORMING, JOINING, SUPPORTING, OR PARTICIPATING IN A LABOR ORGANIZATION TO ENGAGE IN COLLECTIVE BARGAINING;

(2) PROVIDE THAT ALL POLICE OFFICERS HIRED BY THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION UNDERGO TRAINING THAT COMPLIES WITH THE REGULATIONS OF THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(3) PROVIDE THAT ALL POLICE OFFICERS HIRED BY THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION RECEIVE THE SAME BENEFITS AND COMPENSATION AS OTHER EMPLOYEES OF THE INSTITUTION;

(4) REQUIRE THAT A POLICE DEPARTMENT ESTABLISHED UNDER THIS SECTION OPERATES THROUGH CONSTITUTIONAL AND COMMUNITY-

(Over)

ORIENTED POLICING, BY ADOPTING APPROPRIATE POLICIES AND PROCEDURES, INCLUDING THOSE THAT ALLOW FOR:

(I) THE RECRUITING AND HIRING OF DIVERSE CANDIDATES, USING LOCAL HIRING AND RESIDENCY INITIATIVES WHERE POSSIBLE;

(II) THE USE OF IMPARTIAL AND NONDISCRIMINATORY PRACTICES THAT PREVENT THE PROFILING OF AND IMPLICIT BIAS AGAINST RACIAL, ETHNIC, SEXUAL, RELIGIOUS, AND OTHER MINORITIES;

(III) APPROPRIATE INTERACTIONS WITH INDIVIDUALS WHO:

1. ARE UNDER THE AGE OF 18 YEARS;

2. HAVE BEHAVIORAL HEALTH OR OTHER DISABILITIES; OR

3. ARE IN CRISIS;

(IV) APPROPRIATE USE OF FORCE, INCLUDING:

1. THE USE OF ALTERNATIVES TO FORCE;

2. THE USE OF DE-ESCALATION TECHNIQUES; AND

3. FOR ANY OFFICER WHO CARRIES A FIREARM, THE USE OF NONLETHAL AND LESS THAN LETHAL WEAPONS;

(V) THE USE OF APPROPRIATE AND EFFECTIVE TECHNOLOGY, INCLUDING BODY-WORN CAMERAS AND OTHER RECORDING DEVICES;

(VI) THE SAFE AND HUMANE TREATMENT OF INDIVIDUALS IN CUSTODY;

(VII) THE LAWFUL EXERCISE OF RIGHTS OF FREE EXPRESSION;

(VIII) THE BUILDING OF TRUST BETWEEN VICTIMS OF SEXUAL ASSAULT AND THE POLICE DEPARTMENT, IN A MANNER CONSISTENT WITH INSTITUTIONAL POLICY AND STATE AND FEDERAL LAW;

(IX) THE PROMOTION OF COMMUNITY ENGAGEMENT; AND

(X) THE ESTABLISHMENT OF A PROCESS TO:

1. ALLOW ANY PERSON TO FILE COMPLAINTS AGAINST POLICE DEPARTMENT EMPLOYEES; AND

2. ENSURE THE TIMELY INVESTIGATION OF COMPLAINTS;

(5) ESTABLISH AN ACCOUNTABILITY PROCESS, IN WHICH A BOARD, CONSISTING OF STUDENTS, FACULTY, STAFF, AND NEIGHBORING COMMUNITY RESIDENTS, HAS OVERSIGHT OVER THE OPERATION OF THE POLICE DEPARTMENT; AND

(6) INCLUDE A REPORTING REQUIREMENT IN WHICH THE POLICE DEPARTMENT REPORTS ANNUALLY TO THE APPROPRIATE LOCAL GOVERNING ENTITY AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE FOLLOWING INFORMATION COLLECTED IN THE PREVIOUS CALENDAR YEAR:

(I) THE TOTAL NUMBER OF OFFICERS EMPLOYED;

(II) THE AMOUNT OF FUNDING USED FOR THE POLICE DEPARTMENT;

(III) THE TYPE AND NUMBER OF CRIMES FOR WHICH INDIVIDUALS WERE ARRESTED BY POLICE DEPARTMENT OFFICERS;

(IV) THE NUMBER AND NATURE OF COMPLAINTS FILED AGAINST A POLICE DEPARTMENT OFFICER; AND

(V) A DESCRIPTION OF EACH OUTREACH EVENT HELD BY THE POLICE DEPARTMENT.

24-1203.

(A) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION THAT ESTABLISHES A POLICE DEPARTMENT UNDER THIS SUBTITLE SHALL ESTABLISH AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION WITH MONEY TO ESTABLISH AND OPERATE A POLICE DEPARTMENT.

(C) THE FUND SHALL BE ADMINISTERED BY THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION THAT ESTABLISHES IT IN ACCORDANCE WITH THIS SECTION.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND BY THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;  
AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR EXPENSES RELATED TO AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION POLICE DEPARTMENT ESTABLISHED IN ACCORDANCE WITH THIS SUBTITLE.

(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

**(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.**

**(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.**

On page 20 of the bill, in line 7, strike “the Johns Hopkins University” and substitute “an independent institution of higher education”; and in lines 11, 17, 19, 21, 24, and 27, in each instance, strike “University” and substitute “independent institution of higher education”.