

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 941
Appropriations

(Delegate M. Jackson)

Department of General Services - Jurisdiction and Maryland Capitol Police

This bill expands the jurisdiction of the Department of General Services (DGS) and the Maryland Capital Police (MCP) within DGS. The bill also requires the appointment of the Chief of Police of MCP and establishes the duties of the chief. In addition, the bill alters (1) the powers and requirements for an MCP officer and (2) the process for appointment and termination of specified MCP officers.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect governmental finances. DGS advises that certain provisions clarify current law or codify current practice and that it anticipates implementing the bill with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The jurisdiction of DGS and MCP is expanded to include all State-owned or State-leased buildings and grounds and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds.

The Secretary of General Services must appoint the Chief of MCP, who serves at the pleasure of the Secretary. The chief must supervise and direct the affairs and operations of MCP. Within the limits of any appropriation, and as the Secretary determines necessary, the Secretary must appoint police employees for the efficient administration of MCP. The

Secretary must make each police employee appointment from a list of eligible candidates in accordance with the provisions of the State Personnel and Pensions Article.

Within the jurisdiction of MCP, an MCP officer has all of the powers granted to a peace officer and a police officer of the State, provided the officer meets the legal requirements set forth by the Maryland Police Training and Standards Commission (MPTSC) and is designated by DGS as a police officer.

Each police employee, including an individual who is appointed to MCP for training before regular assignment as a police employee, must remain in a probationary status for a period of one year after the date of appointment to MCP. The Secretary may terminate the employment of a police employee in probationary status for any reason that the Secretary considers sufficient.

Current Law: DGS has jurisdiction over the operation, maintenance, and protection of specified State buildings and public grounds in Annapolis and Baltimore. MCP is a full-service police department that provides law enforcement and security services for State buildings, State parking lots, and State parking garages in Annapolis and Baltimore.

Specifically, DGS has jurisdiction over, and full police authority for, the enforcement of the criminal laws and the parking and motor vehicle laws as to the operation, maintenance, and protection of:

- buildings and grounds that, on June 30, 1984, were administered by the Office of Annapolis Public Buildings and Grounds and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;
- buildings and grounds that, on June 30, 1984, were administered by the Office of Baltimore Public Buildings and Grounds and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;
- multiservice centers designated by law or by the Board of Public Works (BPW) and extending to the surrounding areas that encompasses 1,000 feet in any direction from the boundary of those multiservice centers;
- buildings and grounds that, on June 30, 2019, were administered by the Maryland Department of Labor, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings; and
- other public improvements or grounds designated by law or by BPW.

Generally, a member of MCP has the same powers as a sheriff or police officer if the member meets the legal requirements set forth by MPTSC and is designated by DGS as a

police officer. Members are (1) authorized by law to make arrests; (2) subject to the Law Enforcement Officers' Bill of Rights (LEOBR); and (3) eligible for certification by MPTSC.

Within the jurisdiction of DGS, the Secretary has concurrent authority with the "Chief of Police" to enforce the criminal laws and parking and motor vehicle laws on streets adjacent to all improvements, ground, and multiservice centers under the jurisdiction of DGS, and in the surrounding areas of the buildings and grounds in Annapolis and Baltimore cities. "Chief of Police" means:

- as to improvements, grounds, and multiservice centers in the City of Annapolis, the Chief of Police of the City of Annapolis;
- as to improvements, grounds, and multiservice centers in Baltimore City, the Police Commissioner of Baltimore City; and
- as to improvements, grounds, and multiservice centers not located in the cities of Annapolis or Baltimore, the head of the local police force of the county in which the improvements, grounds, or multiservice centers are located.

Benefits for Police and Law Enforcement Officers

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 26 specified State and local agencies but does not extend to any correctional officers in the State. LEOBR extends uniform protections to officers in two major components of the disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer; and (2) procedures that must be followed once an investigation results in a recommendation that an officer be disciplined. LEOBR requirements are much more restrictive and time-consuming than general State personnel requirements under Title 11 of the State Personnel and Pensions Article. Specifically, LEOBR delineates who can do the investigation, what management must disclose to the employee, and when and where the meeting can take place; it also limits the duration of the meeting.

Maryland Police Training and Standards Commission

Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 561 (Senator Miller) - Judicial Proceedings.

Information Source(s): Department of General Services; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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