

SENATE BILL 786

E4, L2

1lr2593
CF HB 1027

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: February 5, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Police Accountability Act of 2021 – Baltimore City – Control of the**
3 **Police Department of Baltimore City**

4 FOR the purpose of providing that the Police Department of Baltimore City is an agency
5 and instrumentality of the City of Baltimore, instead of the State; providing that
6 certain police officers have the authority conferred under a certain provision of law;
7 clarifying that the Police Department shall be considered to be an agency and
8 instrumentality of the State for certain actions arising prior to a certain date and
9 that the Police Department shall be considered to be an agency and instrumentality
10 of Baltimore City for certain actions arising on and after a certain date; establishing
11 an Advisory Board on the Transfer of Control of the Police Department of Baltimore
12 City; providing for the membership, chair, staffing, and duties of the Advisory Board;
13 requiring the Advisory Board to submit certain reports to certain persons at certain
14 times; making a portion of this Act contingent on the passage and ratification, by a
15 certain date, of a certain Baltimore City Charter amendment; providing for the
16 effective dates of this Act; and generally relating to the Police Department of
17 Baltimore City.

18 BY repealing and reenacting, with amendments,
19 The Public Local Laws of Baltimore City
20 Section 16–2(a) and 16–3
21 Article 4 – Public Local Laws of Maryland
22 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 That the Laws of Maryland read as follows:

2 **Article 4 – Baltimore City**

3 16–2.

4 (a) The Police Department of Baltimore City is hereby constituted and
 5 established as an agency and instrumentality of the [State of Maryland] **CITY OF**
 6 **BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and
 7 safety of all persons within the City of Baltimore, to protect property therein, and to assist
 8 in securing to all persons the equal protection of the laws. The department shall have,
 9 within the boundaries of said city, the specific duty and responsibility to preserve the public
 10 peace; to detect and prevent the commission of crime; to enforce the laws of this State, and
 11 of the Mayor and City Council of Baltimore not inconsistent with the provisions of this
 12 subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused
 13 of violating such laws and ordinances; to preserve order at public places; to maintain the
 14 orderly flow of traffic on public streets and highways; to assist law enforcement agencies of
 15 this State, any municipality of the United States in carrying out their respective duties;
 16 and to discharge its duties and responsibilities with the dignity and manner which will
 17 inspire public confidence and respect.

18 16–3.

19 (a) All police officers of the department, including such other members thereof
 20 who may be designated by the Commissioner from time to time to exercise the powers and
 21 duties of police officers, shall [be peace officers and shall have the same powers, with
 22 respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs,
 23 constables, police and peace officers possessed at common law and have in their respective
 24 jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in
 25 those areas outside the corporate limits of Baltimore City owned, controlled, operated or
 26 leased by the Mayor and City Council of Baltimore, and against whom criminal process
 27 shall have issued, may be arrested upon the same in any part of the State by police officers
 28 of the department, as constituted and established by this subtitle] **HAVE THE AUTHORITY**
 29 **CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE**
 30 **ANNOTATED CODE OF MARYLAND.**

31 (b) All police officers of the department shall have and enjoy all the immunities
 32 and matters of defense now available, or such as hereafter may be made available, to
 33 sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against
 34 them in consequence of acts done in the course of their official duties.

35 **SECTION 2. AND BE IT FURTHER ENACTED,** That the Police Department of
 36 Baltimore City shall be considered to be an agency and instrumentality of the State for all
 37 actions arising out of acts, omissions, or events that have occurred prior to the date of
 38 transfer of control of the Police Department, ~~which shall be on January 1, 2025.~~ For all
 39 actions arising out of acts, omissions, or events that occur on and after ~~January 1, 2025~~ the

1 date of transfer of control of the Police Department, the Police Department of Baltimore
2 City shall be considered an agency and instrumentality of Baltimore City.

3 SECTION 3. AND BE IT FURTHER ENACTED, That:

4 (a) There is an Advisory Board on the Transfer of Control of the Police
5 Department of Baltimore City.

6 (b) The Advisory Board consists of the following members:

7 (1) the Mayor of Baltimore City;

8 (2) one member of the Senate of Maryland who represents Baltimore City,
9 appointed by the President of the Senate;

10 (3) one member of the House of Delegates who represents Baltimore City,
11 appointed by the Speaker of the House;

12 (4) the Baltimore City Police Commissioner, or the Commissioner's
13 designee;

14 (5) the Director of the Mayor's Office of Neighborhood Safety and
15 Engagement, or the Director's designee;

16 (6) the Chief Equity Officer of Baltimore City, or the Chief Equity Officer's
17 designee;

18 ~~(7) one representative from the Baltimore Police Monitoring Team;~~

19 ~~(8) one representative from the Baltimore City Council; and~~

20 ~~(9) the Baltimore City Council President, or the President's designee;~~

21 (8) the City Solicitor, or the Solicitor's designee;

22 (9) one representative from the Civilian Review Board of Baltimore City;

23 (10) three members representing the community, appointed by the Mayor of
24 Baltimore City;

25 (11) one representative from the Baltimore City Lodge of Fraternal Order of
26 Police;

27 (12) one representative from the Vanguard Justice Society, Inc.;

28 (13) three members with experience in criminal justice, police reform, or
29 community policing, appointed by the Mayor of Baltimore City; and

1 (14) as nonvoting ex officio members:

2 (i) one representative from the Baltimore Police Monitoring Team;
3 and

4 (ii) one representative from the Community Oversight Taskforce.

5 (c) The Advisory Board shall elect the chair of the Advisory Board.

6 (d) The Office of the Mayor of Baltimore City shall provide staff for the Advisory
7 Board.

8 (e) The Advisory Board shall study the potential issues related to the transfer of
9 control of the Police Department of Baltimore City from the State to the City, including:

10 (1) implementation of the ongoing consent decree;

11 (2) management of the Police Department;

12 (3) the transfer of personnel;

13 (4) different models of local control of the Police Department;

14 (5) financial impacts of local control, including liability issues; and

15 (6) the details of a potential charter amendment to assume control of the
16 Police Department.

17 (f) (1) On or before December 1, 2021, the Advisory Board shall submit an
18 interim report of its initial findings and recommendations to the Baltimore City Council,
19 the Governor, and, in accordance with § 2–1257 of the State Government Article, the
20 General Assembly.

21 (2) On or before December 1, 2022, the Advisory Board shall submit its
22 final report to the Baltimore City Council, the Governor, and, in accordance with §
23 2–1257 of the State Government Article, the General Assembly.

24 SECTION 4. AND BE IT FURTHER ENACTED, That:

25 (a) Subject to subsection (b) of this section, Sections 1 and 2 of this Act shall take
26 effect ~~January 1, 2025,~~ contingent on the passage of an amendment to the Charter of
27 Baltimore City that provides for the transfer of control of the Police Department of
28 Baltimore City to the City of Baltimore from the State of Maryland and its ratification by
29 the voters of Baltimore City at either the 2022 or the 2024 general election.

30 (b) (1) If an amendment to the Charter of Baltimore City that provides for the

1 transfer of control of the Police Department of Baltimore City to the City of Baltimore from
2 the State of Maryland is ratified at the 2022 general election, Sections 1 and 2 of this Act
3 shall take effect January 1, 2023.

4 (2) If an amendment to the Charter of Baltimore City that provides for the
5 transfer of control of the Police Department of Baltimore City to the City of Baltimore from
6 the State of Maryland is ratified at the 2024 general election, Sections 1 and 2 of this Act
7 shall take effect January 1, 2025.

8 (c) If an amendment to the Charter of Baltimore City that provides for the
9 transfer of control of the Police Department of Baltimore City to the City of Baltimore from
10 the State of Maryland is not passed and ratified at either the 2022 or the 2024 general
11 election, Sections 1 and 2 of this Act, with no further action required by the General
12 Assembly, shall be null and void.

13 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
14 4 of this Act, this Act shall take effect June 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.