
By: Delegate Bobo (Task Force on Dual Office Holding) and Delegate Curran

Introduced and read first time: January 24, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers and Fire and Rescue Workers - Dual Office Holding -**
3 **Exception**

4 FOR the purpose of creating exceptions to the prohibition against dual office holding for
5 certain law enforcement officers and fire and rescue workers; making this Act
6 contingent upon the passage of a certain Constitutional amendment; providing for a
7 certain effective date; and generally relating to exceptions to dual office holding
8 prohibitions.

9 BY adding to

- 10 Article 69 - Officers
- 11 Section 10
- 12 Annotated Code of Maryland
- 13 (1995 Replacement Volume)

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

16 **Article 69 - Officers**

17 10.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) "LAW ENFORCEMENT OFFICER" INCLUDES ANY INDIVIDUAL,
21 EXCEPT AN ELECTED OFFICIAL, WHO IS:

22 (I) A MEMBER OF A STATE, COUNTY, OR MUNICIPAL POLICE
23 FORCE;

24 (II) A MEMBER OF THE MASS TRANSIT ADMINISTRATION POLICE
25 FORCE, OR THE MARYLAND PORT ADMINISTRATION POLICE FORCE OF THE
26 DEPARTMENT OF TRANSPORTATION OR THE MARYLAND TRANSPORTATION
27 AUTHORITY POLICE FORCE;

28 (III) A MEMBER OF THE UNIVERSITY OF MARYLAND POLICE FORCE
29 OR THE MORGAN STATE UNIVERSITY POLICE FORCE;

2

1 (IV) AN INDIVIDUAL WHO IS APPOINTED OR GIVEN THE POWERS OF
2 A SPECIAL POLICE OFFICER EMPLOYED AND COMPENSATED BY THE STATE FOR THE
3 ENFORCEMENT OF LAW AND THE MAINTENANCE OF ORDER ON PROPERTY OF THE
4 STATE OR OF ANY OF ITS AGENCIES, OR FOR THE PROTECTION OF SUCH PROPERTY;
5 A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES SECURITY FORCE;

6 (V) A DEPUTY SHERIFF OR ANY OTHER SWORN MEMBER OF A
7 SHERIFF'S OFFICE;

8 (VI) A MEMBER OF THE NATURAL RESOURCES POLICE OF THE
9 DEPARTMENT OF NATURAL RESOURCES;

10 (VII) A MEMBER OF THE INVESTIGATIVE SERVICES UNIT OF THE
11 COMPTROLLER'S OFFICE;

12 (VIII) A MEMBER OF THE MARYLAND-NATIONAL CAPITAL PARK
13 AND PLANNING COMMISSION PARK POLICE; AND

14 (IX) A MEMBER OF THE HOUSING AUTHORITY OF BALTIMORE CITY
15 POLICE FORCE.

16 (3) "FIRE AND RESCUE WORKER" INCLUDES THOSE INDIVIDUALS
17 DESCRIBED IN § 9-503(A) OF THE LABOR AND EMPLOYMENT ARTICLE, WHETHER
18 THE INDIVIDUAL IS PAID OR UNPAID.

19 (B) (1) A LAW ENFORCEMENT OFFICER IS NOT AN OFFICER WITHIN THE
20 MEANING OF ARTICLE 35 OF THE MARYLAND DECLARATION OF RIGHTS.

21 (2) A FIRE OR RESCUE WORKER IS NOT AN OFFICER WITHIN THE
22 MEANING OF ARTICLE 35 OF THE MARYLAND DECLARATION OF RIGHTS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the passage of this Act is
24 contingent on the passage of Chapter _____ (S.B. _____/H.B._____) (6lr1040) of the Acts of
25 the General Assembly of 1996, a Constitutional Amendment, and its ratification by the
26 voters of the State.

27 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
28 of Section 2 above, this Act shall take effect December 1, 1996.