
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

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: February 20, 1996

CHAPTER ____

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;

1 (II) A MEMBER OF THE MASS TRANSIT ADMINISTRATION POLICE
2 FORCE, ~~OR THE METRO TRANSIT POLICE FORCE ESTABLISHED BY THE~~
3 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, THE MARYLAND PORT
4 ADMINISTRATION POLICE FORCE OF THE DEPARTMENT OF TRANSPORTATION, OR
5 THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE;

6 (III) A MEMBER OF THE UNIVERSITY OF MARYLAND POLICE FORCE
7 OR THE MORGAN STATE UNIVERSITY POLICE FORCE;

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

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

15 (VI) A MEMBER OF THE NATURAL RESOURCES POLICE OF THE
16 DEPARTMENT OF NATURAL RESOURCES;

17 (VII) A MEMBER OF THE INVESTIGATIVE SERVICES UNIT OF THE
18 COMPTROLLER'S OFFICE;

19 (VIII) A MEMBER OF THE MARYLAND-NATIONAL CAPITAL PARK
20 AND PLANNING COMMISSION PARK POLICE; ~~AND~~

21 (IX) A MEMBER OF THE HOUSING AUTHORITY OF BALTIMORE CITY
22 POLICE FORCE; AND

23 (X) A MEMBER OF THE WASHINGTON SUBURBAN SANITARY
24 COMMISSION POLICE FORCE.

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

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

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

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

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

