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**By: Senator Astle (Task Force on Dual Office Holding)**

Introduced and read first time: January 18, 1996

Assigned to: Judicial Proceedings

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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;

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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.