
By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Service of Process - Persons Held in an Institution Operated by the Department of Public**
3 **Safety and Correctional Services**

4 FOR the purpose of authorizing the Secretary of Public Safety and Correctional Services
5 to designate certain employees to act as peace officers for the purpose of serving a
6 criminal summons, warrant, or charging document on a person held in an institution
7 operated by the Department of Public Safety and Correctional Services; and
8 generally relating to the service of process by employees of the Department of
9 Public Safety and Correctional Services.

10 BY adding to

11 Article 41 - Governor - Executive and Administrative Departments
12 Section 4-104(j)
13 Annotated Code of Maryland
14 (1993 Replacement Volume and 1996 Supplement)

15 BY adding to

16 Article - Courts and Judicial Proceedings
17 Section 6-309
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1996 Supplement)

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

22 **Article 41 - Governor - Executive and Administrative Departments**

23 4-104.

24 (J) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY
25 DESIGNATE EMPLOYEES OF THE DEPARTMENT TO ACT AS PEACE OFFICERS FOR
26 THE PURPOSE OF SERVING ANY CRIMINAL SUMMONS, WARRANT, OR CHARGING
27 DOCUMENT AS PROVIDED IN § 6-309 OF THE COURTS ARTICLE.

2

1 **Article - Courts and Judicial Proceedings**

2 6-309.

3 (A) DESIGNATED EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY AND
4 CORRECTIONAL SERVICES MAY ACT AS PEACE OFFICERS FOR THE PURPOSE OF
5 SERVING ANY CRIMINAL SUMMONS, WARRANT, OR CHARGING DOCUMENT AS
6 PROVIDED IN THE MARYLAND RULES.

7 (B) THE AUTHORITY OF AN INDIVIDUAL DESIGNATED TO ACT AS A PEACE
8 OFFICER UNDER THIS SECTION SHALL BE LIMITED TO THE SERVICE OF PROCESS
9 WITHIN INSTITUTIONS OPERATED BY THE DEPARTMENT OF PUBLIC SAFETY AND
10 CORRECTIONAL SERVICES.

11 (C) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
12 SHALL ENSURE THAT AN EMPLOYEE DESIGNATED TO SERVE CRIMINAL PROCESS
13 HAS RECEIVED ADEQUATE TRAINING.

14 (D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF
15 ANY EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
16 SERVICES TO SERVE CIVIL PROCESS AS PROVIDED IN THE MARYLAND RULES.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 1997.