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

Introduced and read first time: January 15, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 1997

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## CHAPTER \_\_\_\_\_

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 Criminal Procedure - Service of Process - State and Local Detention Facilities5 FOR the purpose of authorizing the Secretary of Public Safety and Correctional Services  
6 to designate certain employees to ~~act as peace officers for the purpose of serving~~  
7 serve a criminal summons, warrant, or charging document ~~on a person held~~ in an  
8 institution operated by the Department of Public Safety and Correctional Services;  
9 authorizing certain persons in charge of local detention centers to designate certain  
10 employees to serve a criminal summons, warrant, or charging document within the  
11 local detention center; requiring certain training; providing for the construction of  
12 this Act; and generally relating to the service of process by employees of the  
13 Department of Public Safety and Correctional Services and local detention centers.

14 BY adding to

15 Article 41 - Governor - Executive and Administrative Departments

16 Section 4-104(j)

17 Annotated Code of Maryland

18 (1993 Replacement Volume and 1996 Supplement)

19 BY adding to

20 Article - Courts and Judicial Proceedings

21 Section 6-309 and 6-310

22 Annotated Code of Maryland

23 (1995 Replacement Volume and 1996 Supplement)

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

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

4 4-104.

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

9 **Article - Courts and Judicial Proceedings**

10 6-309.

11 (A) DESIGNATED EMPLOYEES OF THE DEPARTMENT OF PUBLIC SAFETY AND  
12 CORRECTIONAL SERVICES MAY ~~ACT AS PEACE OFFICERS FOR THE PURPOSE OF~~  
13 ~~SERVING ANY CRIMINAL SUMMONS, WARRANT, OR CHARGING DOCUMENT AS~~  
14 ~~PROVIDED IN THE MARYLAND RULES~~ SERVE A CRIMINAL SUMMONS, WARRANT, OR  
15 CHARGING DOCUMENT.

16 (B) THE AUTHORITY OF AN INDIVIDUAL DESIGNATED TO ~~ACT AS A PEACE~~  
17 ~~OFFICER~~ SERVE CRIMINAL PROCESS UNDER THIS SECTION SHALL BE LIMITED TO  
18 THE SERVICE OF PROCESS WITHIN INSTITUTIONS OPERATED BY THE DEPARTMENT  
19 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

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

26 6-310.

27 (A) IN THIS SECTION, "ADMINISTRATOR" INCLUDES THE SHERIFF, DIRECTOR,  
28 SUPERINTENDENT, WARDEN, OR OTHER OFFICER IN CHARGE OF A LOCAL  
29 DETENTION CENTER.

30 (B) THE ADMINISTRATOR MAY DESIGNATE EMPLOYEES OF THE LOCAL  
31 DETENTION CENTER TO SERVE A CRIMINAL SUMMONS, WARRANT, OR CHARGING  
32 DOCUMENT.

33 (C) THE AUTHORITY OF AN INDIVIDUAL DESIGNATED TO SERVE CRIMINAL  
34 PROCESS UNDER THIS SECTION SHALL BE LIMITED TO THE SERVICE OF PROCESS  
35 WITHIN THE LOCAL DETENTION CENTER.

36 (D) THE ADMINISTRATOR SHALL ENSURE THAT AN EMPLOYEE DESIGNATED  
37 TO SERVE CRIMINAL PROCESS HAS RECEIVED ADEQUATE TRAINING.

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1           (E) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF  
2 ANY EMPLOYEE OF THE LOCAL DETENTION CENTER TO SERVE CIVIL PROCESS AS  
3 PROVIDED IN THE MARYLAND RULES.

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