

---

**By: Prince George's County Delegation**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Professional Correctional Officers - Police Power**

3 **PG 320-97**

4 FOR the purpose of establishing the Prince George's County Department of Corrections;  
5 authorizing the Director of the Prince George's County Department of Corrections  
6 or the designee of the Director to appoint professional correctional officers of the  
7 Prince George's County Department of Corrections; authorizing professional  
8 correctional officers of the Prince George's County Department of Corrections to  
9 exercise certain police powers in Prince George's County, including the power to  
10 arrest persons under certain circumstances; requiring the Director of the Prince  
11 George's County Department of Corrections, in consultation with the Police  
12 Training Commission, to adopt certain requirements and standards for professional  
13 correctional officers; prohibiting any requirements adopted by the Director of the  
14 Prince George's County Department of Corrections after a certain date from  
15 affecting certain qualified professional correctional officers; defining a certain term;  
16 altering certain definitions regarding police officers and law enforcement officers;  
17 and generally relating to professional correctional officers of the Prince George's  
18 County Department of Corrections.

19 BY repealing and reenacting, with amendments,

20 Article 27 - Crimes and Punishments

21 Section 594B and 727(b)

22 Annotated Code of Maryland

23 (1996 Replacement Volume)

24 BY adding to

25 Article 27 - Crimes and Punishments

26 Section 705A

27 Annotated Code of Maryland

28 (1996 Replacement Volume)

29 BY repealing and reenacting, with amendments,

30 Article 41 - Governor - Executive and Administrative Departments

31 Section 4-201(a)(8)(i)

2

1 Annotated Code of Maryland  
2 (1993 Replacement Volume and 1996 Supplement)

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

5 **Article 27 - Crimes and Punishments**

6 594B.

7 (a) A police officer may arrest without a warrant any person who commits, or  
8 attempts to commit, any felony or misdemeanor in the presence of, or within the view of,  
9 such officer.

10 (b) A police officer who has probable cause to believe that a felony or  
11 misdemeanor is being committed in the officer's presence or within the officer's view, may  
12 arrest without a warrant any person whom the officer may reasonably believe to have  
13 committed such offense.

14 (c) A police officer may arrest a person without a warrant if the officer has  
15 probable cause to believe that a felony has been committed or attempted and that such  
16 person has committed or attempted to commit a felony whether or not in the officer's  
17 presence or view.

18 (d) (1) A police officer may arrest a person without a warrant if:

19 (i) The officer has probable cause to believe that:

20 1. The person battered the person's spouse or other individual  
21 with whom the person resides;

22 2. There is evidence of physical injury; and

23 3. Unless the person is immediately arrested:

24 A. The person may not be apprehended;

25 B. The person may cause injury to the person or damage to the  
26 property of one or more other persons; or

27 C. The person may tamper with, dispose of, or destroy evidence;  
28 and

29 (ii) A report to the police was made within 48 hours of the alleged  
30 incident.

31 (2) If the police officer has probable cause to believe that mutual battery  
32 occurred and arrest is necessary under this subsection, the officer shall consider whether  
33 one of the parties acted in self-defense when making the determination whether to arrest  
34 the person whom the officer believes to be the primary aggressor.

35 (e) A police officer may arrest a person without a warrant if the officer has  
36 probable cause to believe:

3

1 (1) That an offense listed in subsection (f) of this section has been  
2 committed;

3 (2) That the person has committed the offense; and

4 (3) That unless the person is immediately arrested:

5 (i) The person may not be apprehended;

6 (ii) The person may cause injury to the person or damage to the  
7 property of one or more other persons; or

8 (iii) The person may tamper with, dispose of, or destroy evidence.

9 (f) The offenses referred to in subsection (e) of this section are:

10 (1) Those offenses specified in the following sections of Article 27, as they  
11 may be amended from time to time:

12 (i) Section 8(a) (relating to malicious burning);

13 (ii) Section 36 (relating to carrying or wearing weapon);

14 (iii) Section 111 (relating to destroying, injuring, etc., property of  
15 another);

16 (iv) Section 156 (relating to giving a false alarm of a fire);

17 (v) Section 287 (relating to possession of hypodermic syringes, etc.,  
18 restricted);

19 (vi) Sections 342 through 344 (theft) where the value of the property  
20 stolen was less than \$300;

21 (vii) Sections 276 through 302 (relating to drugs and other dangerous  
22 substances) as they shall be amended from time to time;

23 (viii) Section 36B (relating to handguns);

24 (ix) Section 388 (relating to manslaughter by automobile, motorboat,  
25 etc.); and

26 (x) Section 335A (relating to indecent exposure).

27 (2) Attempts to commit the offenses specified in the following sections of  
28 Article 27 as they may be amended from time to time:

29 (i) Section 8(a) (relating to malicious burning);

30 (ii) Section 111 (relating to destroying, injuring, etc., property of  
31 another);

32 (iii) Sections 342 through 344 (theft) where the value of the property  
33 stolen was less than \$300;

4

1 (iv) Section 33A (relating to breaking into a building or boat with  
2 intent to steal);

3 (v) Sections 276 through 302 (relating to drugs and other dangerous  
4 substances), as they shall be amended from time to time.

5 (g) For purposes of this section, the term "police officer" means any person who,  
6 in an official capacity, is authorized by law to make arrests and who is:

7 (1) A member of the Department of State Police;

8 (2) A member of the Baltimore City Police Department;

9 (3) A member of the Baltimore City School Police Force;

10 (4) A member of the police department, bureau, or force of any county;

11 (5) A member of the police department, bureau, or force of any  
12 incorporated city or town, except Baltimore City, which is a "qualifying municipality", as  
13 defined in § 66(a)(7) and § 69 of Article 88B of this Code;

14 (6) A member of the Mass Transit Administration Police Force, or the  
15 Maryland Port Administration Police Force of the Department of Transportation or the  
16 Maryland Transportation Authority Police Force;

17 (7) A member of the University of Maryland or Morgan State University  
18 Police Force;

19 (8) Appointed, or given the powers of, a special policeman employed and  
20 compensated by the State for the enforcement of law and the maintenance of order on  
21 property of the State or of any of its agencies, or for the protection of such property; a  
22 member of the Department of General Services security force;

23 (9) The sheriff of any county and whose usual duties include the making of  
24 arrests;

25 (10) A regularly employed deputy sheriff of any county and who is  
26 compensated by the county and whose usual duties include the making of arrests;

27 (11) A member of the Natural Resources Police of the Department of  
28 Natural Resources;

29 (12) A member of the Investigative Services Unit of the Comptroller's Office;

30 (13) A member of the Maryland-National Capital Park and Planning  
31 Commission Park Police;

32 (14) Housing Authority of Baltimore City Police Force; [or]

33 (15) A member of the Crofton Police Department; OR

34 (16) A PROFESSIONAL CORRECTIONAL OFFICER OF THE PRINCE  
35 GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS.

5

1 (h) (1) (i) In this subsection the following words have the meanings  
2 indicated.

3 (ii) "Emergency" means a sudden or unexpected happening or an  
4 unforeseen combination of circumstances that calls for immediate action to protect the  
5 health, safety, welfare, or property of an individual from actual or threatened harm or  
6 from an unlawful act.

7 (iii) "Federal law enforcement officer" means an officer who is  
8 empowered to effect an arrest with or without a warrant for violations of the United  
9 States Code and who is authorized to carry firearms in the performance of the officer's  
10 duties.

11 (2) Subject to the limitations provided in paragraph (3) of this subsection, a  
12 federal law enforcement officer is granted:

13 (i) The powers of arrest as set forth in this section; and

14 (ii) The power to execute arrest and search and seizure warrants  
15 issued under the laws of this State.

16 (3) A federal law enforcement officer may exercise the powers granted in  
17 this subsection if:

18 (i) The officer is participating in a joint investigation with officials  
19 from any State or local law enforcement agency;

20 (ii) The officer is rendering assistance to a police officer;

21 (iii) The officer is acting at the request of a local police officer or a  
22 State Police officer; or

23 (iv) An emergency exists.

24 (4) When acting under the authority granted in this subsection, the  
25 following notifications of an investigation or enforcement action shall be made:

26 (i) 1. When in an incorporated municipality, to the chief of police,  
27 if any, or the chief's designee;

28 2. When in a county which has a county police department, to  
29 the chief of police or the chief's designee;

30 3. When in a county without a police department, to the sheriff  
31 or the sheriff's designee;

32 4. When in Baltimore City, to the Police Commissioner or the  
33 Police Commissioner's designee;

34 5. When on any property owned, leased, operated by, or under  
35 the control of the Department of Natural Resources, to the Secretary of Natural  
36 Resources or the Secretary's designee; or



7

1 (iv) "State Police officer" means a police employee as defined in  
2 Article 88B, § 2 of the Code.

3 (2) (i) Except as provided in subparagraph (ii) of this paragraph and  
4 subject to the limitations provided in paragraph (3) of this subsection, and in addition to  
5 the powers granted in § 298 of this article, a police officer of this State may make arrests,  
6 conduct investigations and otherwise enforce the laws of this State throughout the State  
7 without limitations as to jurisdiction.

8 (ii) Under this subsection a police officer may not enforce the  
9 provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction.

10 (3) A police officer may exercise the powers granted in this subsection if:

11 (i) 1. The police officer is participating in a joint investigation with  
12 officials from any other state, federal, or local law enforcement agency at least one of  
13 which shall have local jurisdiction;

14 2. The police officer is rendering assistance to a police officer;

15 3. The police officer is acting at the request of a local police  
16 officer or a State Police officer; or

17 4. An emergency exists; and

18 (ii) The police officer is acting in accordance with regulations adopted  
19 by the police officer's employing agency to implement this subsection.

20 (4) When acting under the authority granted in this subsection, the  
21 following notifications of an investigation or enforcement action shall be made:

22 (i) 1. When in an incorporated municipality, to the chief of police,  
23 if any, or the chief's designee;

24 2. When in a county that has a county police department, to the  
25 chief of police or the chief's designee;

26 3. When in a county without a police department, to the sheriff  
27 or the sheriff's designee;

28 4. When in Baltimore City, to the Police Commissioner or the  
29 Police Commissioner's designee;

30 5. When on any property owned, leased, operated by, or under  
31 the control of the Department of Natural Resources, to the Secretary of Natural  
32 Resources or the Secretary's designee; or

33 6. When on any property owned, leased, or operated by or  
34 under the control of the Maryland Transportation Authority, the Maryland Aviation  
35 Administration or the Maryland Port Administration, to the respective chief of police or  
36 the chief's designee; and

37 (ii) Unless there is an agreement otherwise with the Department of  
38 State Police, to the Department of State Police barrack commander or designee.

8

1 (5) When the police officer is acting under the authority granted in  
2 paragraph (3)(i)1 of this subsection, the notification required under paragraph (4) of this  
3 subsection shall be made at a reasonable time in advance.

4 (6) (i) When acting under the authority granted in this subsection, any  
5 police officer shall have all the immunities from liability and exemptions as that of a State  
6 Police officer in addition to any other immunities and exemptions to which the police  
7 officer may otherwise be entitled.

8 (ii) Any police officer who uses the authority granted in this subsection  
9 shall at all times or for all purposes remain an employee of the respective employing  
10 agency.

11 (m) Correctional employees assigned by the Commissioner of Correction to  
12 monitor inmates on home detention under § 689A of this article have the same powers of  
13 arrest for inmates in the home detention program as are set forth in this section for police  
14 officers.

15 (n) Parole and probation employees assigned by the Director of Parole and  
16 Probation to supervise offenders under Article 41, § 4-602A of the Code have the same  
17 powers of arrest for these offenders as are set forth in this section for police officers.

18 (o) A police officer may arrest a person without a warrant if:

19 (1) The police officer has probable cause to believe a stalking under § 121B  
20 of this article has been committed;

21 (2) The police officer has reason to believe that the alleged stalking victim  
22 or a third person is in danger of imminent bodily harm or death; and

23 (3) The probable cause under paragraph (1) of this subsection is supported  
24 by credible evidence other than statements of the alleged stalking victim.

25 (p) Correctional officers designated by the Commissioner of Correction under §  
26 684A of this article have the same powers of arrest for individuals on the property of a  
27 facility under the jurisdiction of the Division of Correction as are set forth in this section  
28 for police officers.

29 (q) Correctional officers designated by the head administrative officer of a county  
30 or municipal correctional facility under § 684B of this article have the same powers of  
31 arrest for individuals on the property of the facility as are set forth in this section for  
32 police officers.

33 705A.

34 (A) IN THIS SECTION, "PROFESSIONAL CORRECTIONAL OFFICER" MEANS A  
35 PERSON WHO:

36 (1) IS A MEMBER OF THE PRINCE GEORGE'S COUNTY DEPARTMENT OF  
37 CORRECTIONS; AND

38 (2) IS AUTHORIZED BY LAW TO MAKE ARRESTS WHEN ACTING IN AN  
39 OFFICIAL CAPACITY.



9

1 (B) THERE IS A PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS.

2 (C) THE DIRECTOR OF THE PRINCE GEORGE'S COUNTY DEPARTMENT OF  
3 CORRECTIONS OR THE DESIGNEE OF THE DIRECTOR SHALL APPOINT THE  
4 PROFESSIONAL CORRECTIONAL OFFICERS OF THE DEPARTMENT.

5 (D) A PROFESSIONAL CORRECTIONAL OFFICER HAS ALL OF THE POWERS OF  
6 A PRINCE GEORGE'S COUNTY LAW ENFORCEMENT OFFICER.

7 (E) (1) IN CONSULTATION WITH THE POLICE TRAINING COMMISSION, THE  
8 DIRECTOR OF THE PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS  
9 SHALL ADOPT:

10 (I) REQUIREMENTS FOR EDUCATION, TRAINING, HUMAN AND  
11 PUBLIC RELATIONS SKILLS, AND MORAL CHARACTER THAT AN APPLICANT MUST  
12 MEET TO QUALIFY FOR EMPLOYMENT AS A PROFESSIONAL CORRECTIONAL  
13 OFFICER; AND

14 (II) STANDARDS FOR THE PERFORMANCE OF DUTIES.

15 (2) ANY REQUIREMENTS THAT THE DIRECTOR OF THE PRINCE  
16 GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS ADOPTS ON OR AFTER  
17 OCTOBER 1, 1997, DO NOT AFFECT THE STATUS OF ANY INDIVIDUAL WHO IS A  
18 QUALIFIED PROFESSIONAL CORRECTIONAL OFFICER ON SEPTEMBER 30, 1997.

19 727.

20 (b) "Law enforcement officer" means any person who, in an official capacity, is  
21 authorized by law to make arrests and who is a member of one of the following law  
22 enforcement agencies:

23 (1) The Department of State Police;

24 (2) The Baltimore City police department;

25 (3) The Baltimore City School Police Force;

26 (4) The police department, bureau, or force of any county;

27 (5) The police department, bureau, or force of any incorporated city or  
28 town;

29 (6) The office of the sheriff of any county;

30 (7) The police department, bureau, or force of any bicounty agency or the  
31 University of Maryland;

32 (8) The Mass Transit Administration Police Force of the Department of  
33 Transportation, the Maryland Transportation Authority Police Force, and the Maryland  
34 Port Administration Police Force of the Department of Transportation;

35 (9) The police officers of the Department of Natural Resources;

36 (10) The Investigative Services Unit of the Comptroller's Office;

10

1 (11) Housing Authority of Baltimore City Police Force; [or]

2 (12) The Crofton Police Department; OR

3 (13) THE PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS.

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

5 4-201.

6 (a) As used in this section:

7 (8) (i) "Police officer" means a person who has the authority to enforce  
8 the general criminal laws of this State and is a member of any of the following law  
9 enforcement units:

10 1. Department of State Police;

11 2. Baltimore City Police Department;

12 3. Police department, bureau, or force of a county;

13 4. Police department, bureau, or force of an incorporated city  
14 or town;

15 5. Mass Transit Administration Police Force, the Maryland  
16 Port Administration Police Force of the Department of Transportation, or the Maryland  
17 Transportation Authority Police Force;

18 6. Police Force of the University of Maryland or Morgan State  
19 University;

20 7. Sheriff's department of any county or Baltimore City;

21 8. Natural Resources Police Force or the Forest and Park  
22 Service Police Force of the Department of Natural Resources;

23 9. Security Force of the Department of General Services; or  
24 State, county or municipality security force if the special police officers are appointed  
25 under the provisions of § 4-901 of this article;

26 10. Housing Authority of Baltimore City Police Force;

27 11. Baltimore City School Police Force; [or]

28 12. Crofton Police Department; OR

29 13. PROFESSIONAL CORRECTIONAL OFFICER FORCE OF THE  
30 PRINCE GEORGE'S COUNTY DEPARTMENT OF CORRECTIONS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1997.