
By: Chairman, Judicial Proceedings Committee (Departmental - Secretary of State)

Requested: October 30, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Special Police Officers**

3 FOR the purpose of clarifying that the commission of a special police officer may be
4 suspended; authorizing the Governor to delegate to the Secretary of State or
5 Assistant Secretary of State the authority to revoke or suspend the commission of a
6 special police officer; providing that under certain circumstances the commission of
7 a special police officer does not terminate when an employer no longer needs the
8 special police officer's services; making the provisions governing special police
9 officers gender neutral; and generally relating to special police officers.

10 BY repealing and reenacting, with amendments,

11 Article 41 - Governor - Executive and Administrative Departments
12 Section 4-901, 4-905, 4-907, 4-909, 4-912, and 4-913 to be under the amended
13 subtitle "Subtitle 9. Special Police Officers"
14 Annotated Code of Maryland
15 (1993 Replacement Volume and 1996 Supplement)

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

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

19 Subtitle 9. Special [Policemen] POLICE OFFICERS.

20 4-901.

21 The Governor may appoint and deputize as special [policemen] POLICE OFFICERS
22 persons [he] THE GOVERNOR deems qualified for special police commissions. A
23 commission shall be issued for each individual approved by the Governor. The
24 commission shall indicate the period the commission is to be in force as well as the
25 property it is intended to cover or the purpose for which it was issued.

26 4-905.

27 Each person appointed under this subtitle as a special [policeman] POLICE
28 OFFICER is charged with the protection and preservation of peace and good order on the
29 property described in the application for the commission. [He] THE OFFICER has the

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1 power to arrest persons who trespass or commit offenses thereon. [He] THE OFFICER
2 has, and may exercise, the powers of a police officer upon the property described in the
3 application for the commission and may exercise these powers in any county or city of the
4 State in connection with the care, custody, and protection of other property of the
5 requesting authority or other property, real or personal, for which it has assumed an
6 obligation to maintain or protect. In order to facilitate the orderly ingress and egress of
7 traffic to and from the property described in the application, [he] THE OFFICER has
8 authority to direct and control traffic on public highways and roads adjacent to and in the
9 immediate vicinity of the property described in the application when this activity is
10 approved in advance by the Secretary of the State Police; however, only a special
11 [policeman] POLICE OFFICER with a probationary or permanent appointment as a
12 security officer or a member of any industrial police force who holds a special police
13 commission, and has completed the basic training course for police officers as established
14 by the Police Training Commission, pursuant to § 4-201 of this article may make arrests
15 or issue traffic citations for violations of any of the provisions of the Maryland Vehicle
16 Law or any other State or local traffic laws or regulations. [He] THE OFFICER may
17 exercise this power only upon the property of [his] THE OFFICER'S employer as
18 described in the application for the commission unless [he] THE OFFICER is in active
19 pursuit of an individual for the purpose of immediate apprehension. [He] THE OFFICER
20 is responsible for any abuse of [his] THE OFFICER'S powers or the exercise of them on
21 property not within [his] THE OFFICER'S jurisdiction. The requesting authority for
22 whose convenience and protection the [policeman] OFFICER has been appointed is also
23 responsible for any wrongful actions committed by [him] THE OFFICER in the course of
24 [his] THE OFFICER'S duties as well as any abuse of the powers granted by the
25 commission either on or off the premises.

26 4-907.

27 (a) Every special [policeman] POLICE OFFICER shall wear a distinctive police
28 badge which shall carry proper identification identifying [him] THE OFFICER as a special
29 [policeman] POLICE OFFICER and be in plain view to all who come in contact with
30 [him] THE OFFICER. The [policeman] POLICE OFFICER shall also wear a uniform
31 which shall be distinguishable from ordinary civilian clothing and give some notice of
32 [his] THE OFFICER'S designation as a law-enforcement official. The uniform and badge
33 and identification shall be subject to the acceptance or refusal by the Department of State
34 Police. The provisions of this subsection shall not apply to a special [policeman] POLICE
35 OFFICER when on detective duty.

36 (b) Every special [policeman] POLICE OFFICER on detective duty shall carry
37 proper identification identifying [him] THE OFFICER as a special [policeman] POLICE
38 OFFICER and shall also carry a distinctive police badge as referred to in subsection (a)
39 above.

40 4-909.

41 Each person appointed under this subtitle shall be deemed to be the employee of
42 the State, agency, governing body, school system, or business concern requesting [his]
43 THE OFFICER'S appointment. [He] THE OFFICER shall be compensated by it on
44 whatever terms contracted for.

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1 4-912.

2 Unless a subdivision or municipality requests the appointment of an individual as a
3 special [policeman] POLICE OFFICER and the request is granted as provided in this
4 subtitle, the State and any subdivision or municipality of the State shall have the
5 immunity from liability described under § 5-332 of the Courts and Judicial Proceedings
6 Article.

7 4-913.

8 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
9 commissions granted under this subtitle shall cease OR BE SUSPENDED upon the filing of
10 a notice in writing by the State, agency, college, school system, or business which
11 requested the appointment, stating that the [policeman is no longer required and]
12 OFFICER has been relieved of [his] OR SUSPENDED FROM THE OFFICER'S duties. The
13 Governor, upon recommendation by the Secretary of the State Police, or on the
14 Governor's own motion if the Governor finds it in the best interest of the State, may
15 terminate any commission granted under this subtitle. The termination shall be noted in
16 the official records of the Governor and shall not be effective until five days after notice
17 is sent to the requesting State, agency, school, or business and also to the person whose
18 commission has been revoked OR SUSPENDED. If that person thereafter, knowing of the
19 revocation OR SUSPENSION or having in any manner received notice thereof, exercises or
20 attempts to exercise any of the powers granted under this subtitle, that person shall be
21 guilty of a misdemeanor; and upon conviction be fined not more than \$1,000 or
22 imprisoned for not more than six months, or both. The filing and mailing of notice as
23 indicated above shall raise a presumption that the person knew of the revocation OR
24 SUSPENSION.

25 (B) THE GOVERNOR MAY DELEGATE THE POWER TO TERMINATE OR
26 SUSPEND A COMMISSION UNDER THIS SUBTITLE TO THE SECRETARY OF STATE, THE
27 ASSISTANT SECRETARY OF STATE, OR BOTH.

28 (C) A COMMISSION GRANTED UNDER THIS SUBTITLE DOES NOT TERMINATE
29 IF:

30 (1) AN EMPLOYER NO LONGER NEEDS THE SERVICES OF THE SPECIAL
31 POLICE OFFICER BECAUSE THE EMPLOYER HAS TRANSFERRED THE BUSINESS
32 PROPERTY DESCRIBED IN THE COMMISSION TO ANOTHER PERSON FOR LEGITIMATE
33 AND LEGAL BUSINESS PURPOSES; AND

34 (2) THE TRANSFEREE EXECUTES A FORM PREPARED BY THE
35 SECRETARY OF STATE AFFIRMING THAT THE TRANSFEREE WILL EMPLOY THE
36 SPECIAL POLICE OFFICER TO PROTECT THAT BUSINESS PROPERTY, AND WILL
37 ASSUME ALL RESPONSIBILITIES OF THE ORIGINAL APPLICANT EMPLOYER UNDER
38 THIS SUBTITLE.

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