

SENATE BILL 71

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P1

1998 Regular Session
8lr6137

(PRE-FILED)

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

Requested: October 21, 1997

Introduced and read first time: January 14, 1998

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 a commission of
6 a special police officer; providing that under certain circumstances a commission
7 of a special police officer does not terminate when an employer no longer needs
8 the special police officer's services; making stylistic changes; and generally
9 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
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1997 Supplement)

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

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

18 4-901.

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

24 4-905.

25 Each person appointed under this subtitle as a special [policeman] POLICE
26 OFFICER is charged with the protection and preservation of peace and good order on

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

28 4-907.

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

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

42 4-909.

43 Each person appointed under this subtitle shall be deemed to be the employee of
44 the State, agency, governing body, school system, or business concern requesting

1 [his] THE OFFICER'S appointment. [He] THE OFFICER shall be compensated by it on
2 whatever terms contracted for.

3 4-912.

4 Unless a subdivision or municipality requests the appointment of an individual
5 as a special [policeman] POLICE OFFICER and the request is granted as provided in
6 this subtitle, the State and any subdivision or municipality of the State shall have the
7 immunity from liability described under § 5-613 of the Courts and Judicial
8 Proceedings Article.

9 4-913.

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

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

30 (C) A COMMISSION GRANTED UNDER THIS SUBTITLE DOES NOT TERMINATE
31 IF:

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

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

40 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
41 effect October 1, 1998.

