

SENATE BILL 71

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1998 Regular Session
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(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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: January 27, 1998

CHAPTER _____

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; requiring a special police officer to surrender
9 certain identification or a certain badge within a certain period of time after
10 termination or suspension of the officer's employment or commission; making
11 stylistic changes; and generally relating to special police officers.

12 BY repealing and reenacting, with amendments,
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 4-901, 4-905, 4-907, 4-909, 4-912, and 4-913
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1997 Supplement)

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

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

2 4-901.

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

8 4-905.

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

38 4-907.

39 (a) Every special [policeman] POLICE OFFICER shall wear a distinctive police
40 badge which shall carry proper identification identifying [him] THE OFFICER as a
41 special [policeman] POLICE OFFICER and be in plain view to all who come in contact
42 with [him] THE OFFICER. The [policeman] POLICE OFFICER shall also wear a
43 uniform which shall be distinguishable from ordinary civilian clothing and give some

1 notice of [his] THE OFFICER'S designation as a law-enforcement official. The uniform
2 and badge and identification shall be subject to the acceptance or refusal by the
3 Department of State Police. The provisions of this subsection shall not apply to a
4 special [policeman] POLICE OFFICER when on detective duty.

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

9 (C) A SPECIAL POLICE OFFICER WHO RECEIVES A COMMISSION UNDER THIS
10 SUBTITLE SHALL SURRENDER TO THE OFFICER'S EMPLOYER ANY IDENTIFICATION
11 OR BADGE THAT IDENTIFIES THE INDIVIDUAL AS A SPECIAL POLICE OFFICER
12 WITHIN 48 HOURS AFTER:

13 (1) THE TERMINATION OR SUSPENSION OF THE EMPLOYMENT OF THE
14 SPECIAL POLICE OFFICER; OR

15 (2) THE TERMINATION OR SUSPENSION OF A COMMISSION OF THE
16 SPECIAL POLICE OFFICER AS PROVIDED UNDER § 4-913(A) OF THIS SUBTITLE.

17 4-909.

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

22 4-912.

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

28 4-913.

29 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
30 commissions granted under this subtitle shall cease OR BE SUSPENDED upon the
31 filing of a notice in writing by the State, agency, college, school system, or business
32 which requested the appointment, stating that the [policeman is no longer required
33 and] OFFICER has been relieved of [his] OR SUSPENDED FROM THE OFFICER'S
34 duties. The Governor, upon recommendation by the Secretary of the State Police, or
35 on the Governor's own motion if the Governor finds it in the best interest of the State,
36 may terminate OR SUSPEND any commission granted under this subtitle. The
37 termination OR SUSPENSION shall be noted in the official records of the Governor and
38 shall not be effective until five days after notice is sent to the requesting State,
39 agency, school, or business and also to the person whose commission has been revoked
40 OR SUSPENDED. If that person thereafter, knowing of the revocation OR SUSPENSION

1 or having in any manner received notice thereof, exercises or attempts to exercise any
2 of the powers granted under this subtitle, that person shall be guilty of a
3 misdemeanor; and upon conviction be fined not more than \$1,000 or imprisoned for
4 not more than six months, or both. The filing and mailing of notice as indicated above
5 shall raise a presumption that the person knew of the revocation OR SUSPENSION.

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

9 (C) A COMMISSION GRANTED UNDER THIS SUBTITLE DOES NOT TERMINATE
10 IF:

11 (1) AN EMPLOYER NO LONGER NEEDS THE SERVICES OF THE SPECIAL
12 POLICE OFFICER BECAUSE THE EMPLOYER HAS TRANSFERRED THE BUSINESS
13 PROPERTY DESCRIBED IN THE COMMISSION TO ANOTHER PERSON FOR LEGITIMATE
14 AND LEGAL BUSINESS PURPOSES; AND

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

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