

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 125

(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “BY” in line 25 on page 1 through “Supplement)” in line 4 on page 2.

AMENDMENT NO. 2

On page 2, after line 9, insert:

“BY adding to

Article - Correctional Services

Section 10-701, to be under the new subtitle “Subtitle 7. Internal Investigative Unit”

Annotated Code of Maryland

(As enacted by Chapter _____ (H.B.11) of the Acts of the General Assembly of 1999)”.

AMENDMENT NO. 3

On pages 10 through 13, strike in their entirety the lines beginning with line 20 on page 10 through line 3 on page 13, inclusive.

AMENDMENT NO. 4

On page 14, after line 11, insert:

“Article - Correctional Services

SUBTITLE 7. INTERNAL INVESTIGATIVE UNIT.

10-701.

(A) (1) THERE IS AN INTERNAL INVESTIGATIVE UNIT IN THE

(Over)

DEPARTMENT.

(2) THE SECRETARY SHALL APPOINT THE DIRECTOR OF THE INTERNAL INVESTIGATIVE UNIT.

(3) SUBJECT TO THE AUTHORITY OF THE SECRETARY, THE INTERNAL INVESTIGATIVE UNIT SHALL:

(I) INVESTIGATE:

1. ALLEGED CRIMINAL VIOLATIONS COMMITTED BY EMPLOYEES OF THE DEPARTMENT WHILE ON DUTY;

2. ALLEGED CRIMINAL VIOLATIONS COMMITTED BY INMATES, VISITORS, AND OTHER INDIVIDUALS THAT AFFECT THE SAFETY OR SECURITY OF THE DEPARTMENT'S FACILITIES OR PROGRAMS; AND

3. ALLEGED PROFESSIONAL MISCONDUCT BY EMPLOYEES OF THE DEPARTMENT; AND

(II) ADOPT REGULATIONS FOR THE CONDUCT OF ITS INVESTIGATIONS.

(B) AN INVESTIGATOR IN THE INTERNAL INVESTIGATIVE UNIT MAY EXERCISE THE POWERS OF A PEACE OR POLICE OFFICER IN THE STATE ON PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT.

(C) (1) AN INVESTIGATOR IN THE INTERNAL INVESTIGATIVE UNIT MAY EXERCISE THE POWERS OF A PEACE OR POLICE OFFICER IN THE STATE ON PROPERTY THAT IS NOT OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT WHEN:

(I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

(II) REQUESTED OR AUTHORIZED TO DO SO BY THE CHIEF EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF A COUNTY;

(III) NECESSARY TO FACILITATE THE ORDERLY FLOW OF TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT;

(IV) NECESSARY TO INVESTIGATE AND PROTECT PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT;

(V) ENGAGED IN AN ACTIVE AND OFFICIAL INVESTIGATION OF THE CONDUCT OF AN EMPLOYEE OF THE DEPARTMENT WHEN THE EMPLOYEE'S ALLEGED CONDUCT WILL COMPROMISE THE SAFETY OR SECURITY OF THE DEPARTMENT'S FACILITIES OR PROGRAMS;

(VI) ENGAGED IN AN ACTIVE AND OFFICIAL INVESTIGATION OF AN INMATE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTION OR THE COMMISSIONER OF PRETRIAL DETENTION AND SERVICES, AN INMATE SUBJECT TO THE JURISDICTION OF THE PATUXENT INSTITUTION, OR AN INDIVIDUAL SENTENCED TO PROBATION OR RELEASED ON PAROLE OR MANDATORY SUPERVISION; OR

(VII) ORDERED TO DO SO BY THE GOVERNOR.

(2) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SUBSECTION IN CONNECTION WITH AN INVESTIGATION OR ENFORCEMENT ACTION, THE INTERNAL INVESTIGATIVE UNIT SHALL NOTIFY THE FOLLOWING PERSONS:

(I) WHEN IN AN INCORPORATED MUNICIPALITY, THE CHIEF OF POLICE, IF ANY, OR THE CHIEF'S DESIGNEE;

(II) WHEN IN A COUNTY THAT HAS A COUNTY POLICE DEPARTMENT, THE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE;

(III) WHEN IN A COUNTY WITHOUT A POLICE DEPARTMENT, THE SHERIFF OR THE SHERIFF'S DESIGNEE;

(Over)

(IV) WHEN IN BALTIMORE CITY, THE POLICE COMMISSIONER OR THE POLICE COMMISSIONER'S DESIGNEE;

(V) WHEN ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE DEPARTMENT OF NATURAL RESOURCES, THE SECRETARY OF NATURAL RESOURCES OR THE SECRETARY'S DESIGNEE;

(VI) WHEN ON ANY PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE MARYLAND TRANSPORTATION AUTHORITY, THE MARYLAND AVIATION ADMINISTRATION, OR THE MARYLAND PORT ADMINISTRATION, THE RESPECTIVE CHIEF OF POLICE OR THE CHIEF'S DESIGNEE; AND

(VII) UNLESS THERE IS AN AGREEMENT OTHERWISE WITH THE DEPARTMENT OF STATE POLICE, THE DEPARTMENT OF STATE POLICE BARRACK COMMANDER OR DESIGNEE.

(3) THE NOTIFICATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE:

(I) IN ADVANCE, IF PRACTICABLE; OR

(II) IF ADVANCE NOTIFICATION IS NOT PRACTICABLE, AS SOON AS POSSIBLE AFTER THE EXERCISE OF THE POWERS.

(4) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS SUBSECTION, A MEMBER OF THE INTERNAL INVESTIGATIVE UNIT SHALL HAVE ALL THE IMMUNITIES FROM LIABILITY AND EXEMPTIONS AS THAT OF A STATE POLICE OFFICER IN ADDITION TO ANY OTHER IMMUNITIES AND EXEMPTIONS TO WHICH THE MEMBER MAY OTHERWISE BE ENTITLED.

(5) A MEMBER OF THE INTERNAL INVESTIGATIVE UNIT WHO USES THE AUTHORITY GRANTED IN THIS SUBSECTION SHALL AT ALL TIMES AND FOR ALL PURPOSES REMAIN AN EMPLOYEE OF THE INTERNAL INVESTIGATIVE UNIT.

(D) AN INDIVIDUAL WHO IS EMPLOYED AS AN INVESTIGATOR IN THE INTERNAL INVESTIGATIVE UNIT SHALL MEET THE MINIMUM QUALIFICATIONS REQUIRED AND SATISFACTORILY COMPLETE THE TRAINING PRESCRIBED BY THE MARYLAND POLICE TRAINING COMMISSION.”.