

HOUSE BILL 125

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E2

1999 Regular Session
(9lr0072)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Chairman, Judiciary Committee (Departmental - Public Safety
and Correctional Services)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services - Internal**
3 **Investigative Unit**

4 FOR the purpose of creating an Internal Investigative Unit within the Department of
5 Public Safety and Correctional Services; providing that the Internal
6 Investigative Unit investigators have the same authority as peace and police
7 officers on certain property and under specified circumstances; providing for the
8 appointment of a Director of the Internal Investigative Unit; requiring that a
9 certain notification be made when exercising certain power under certain
10 circumstances; providing for certain immunities, exemptions, and employment
11 status of members of the Internal Investigative Unit under certain
12 circumstances; requiring that the Internal Investigative Unit investigators
13 satisfy certain requirements of the Maryland Police Training Commission;
14 granting the members of the Internal Investigative Unit the power to make a
15 warrantless arrest; adding the Internal Investigative Unit to the definition of
16 law enforcement officer for certain purposes related to the transmission of

1 contagious diseases or viruses; and generally relating to the operation and
2 functions of the Internal Investigative Unit of the Department of Public Safety
3 and Correctional Services.

4 BY repealing and reenacting, with amendments,
5 Article 27 - Crimes and Punishments
6 Section 594B
7 Annotated Code of Maryland
8 (1996 Replacement Volume and 1998 Supplement)

9 ~~BY adding to~~
10 ~~Article 41 - Governor - Executive and Administrative Departments~~
11 ~~Section 4-105A~~
12 ~~Annotated Code of Maryland~~
13 ~~(1997 Replacement Volume and 1998 Supplement)~~

14 BY repealing and reenacting, with amendments,
15 Article 41 - Governor - Executive and Administrative Departments
16 Section 4-201(a)(8)
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article - Correctional Services
21 Section 10-701 to be under the new subtitle "Subtitle 7. Internal Investigative
22 Unit"
23 Annotated Code of Maryland
24 (As enacted by Chapter (H.B.11) of the Acts of the General Assembly of
25 1999)

26 BY repealing and reenacting, with amendments,
27 Article - Health - General
28 Section 18-213 and 18-213.2
29 Annotated Code of Maryland
30 (1994 Replacement Volume and 1998 Supplement)

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

Article 27 - Crimes and Punishments

2 594B.

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

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

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

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

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

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

18 2. There is evidence of physical injury; and

19 3. Unless the person is immediately arrested:

20 A. The person may not be apprehended;

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

23 C. The person may tamper with, dispose of, or destroy
24 evidence; and

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

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

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

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

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

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

3 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

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

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

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

22 (ix) Section 388 (relating to manslaughter by automobile, etc.); and

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

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

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

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

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

- 1 (iv) Section 33A (relating to breaking into a building or boat with
2 intent to steal); or
- 3 (v) Sections 276 through 302 (relating to drugs and other
4 dangerous substances), as they shall be amended from time to time.
- 5 (g) For purposes of this section, the term "police officer" means any person
6 who, 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",
13 as 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
16 the 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,
22 and includes a member of the Department of General Services security force;
- 23 (9) The sheriff of any county and whose usual duties include the making
24 of 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
30 Office;
- 31 (13) A member of the Maryland-National Capital Park and Planning
32 Commission Park Police;
- 33 (14) Housing Authority of Baltimore City Police Force;
- 34 (15) A member of the Crofton Police Department;

1 (16) A member of the WMATA Metro Transit Police, subject to the
2 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
3 Area Transit Authority Compact, § 10-204 of the Transportation Article; [or]

4 (17) Subject to subsections (i) and (l)(7) of this section, the State Fire
5 Marshal or a full-time investigative and inspection assistant of the Office of the State
6 Fire Marshal; OR

7 (18) A MEMBER OF THE INTERNAL INVESTIGATIVE UNIT OF THE
8 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

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

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

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

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

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

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

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

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

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

31 (iv) An emergency exists.

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

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

1 this article, and attempting, causing, aiding, counseling, or procuring arson in the
2 first or second degree or malicious burning in the first or second degree.

3 (3) Except as provided in subsection (1)(7) of this section, the State Fire
4 Marshal or a full-time investigative and inspection assistant of the Office of the State
5 Fire Marshal does not have the powers of arrest set forth in subsections (a), (b), and
6 (d) of this section.

7 (j) (1) The fire investigators of Prince George's County Fire Department
8 have the same powers of arrest set forth in subsection (c) of this section as to offenses
9 listed under:

10 (i) §§ 6, 7, 139C, 151A, and 151C of this article, and attempts,
11 conspiracies, and solicitations to commit these offenses; and

12 (ii) Article 38A, §§ 27A and 31 of the Code.

13 (2) The fire investigators of the Prince George's County Fire Department
14 have the same powers of arrest set forth in subsection (e) of this section as to the
15 offenses:

16 (i) Listed under §§ 8(a), 9, 9A, 11D, 12A-2, 151, 156, 156B, and
17 470A(b)(4) of this article;

18 (ii) Listed under § 5-704 of the Natural Resources Article;

19 (iii) Listed under Article 38A, §§ 16, 17, 27, and 31A of the Code; and

20 (iv) Of attempting, causing, aiding, counseling, or procuring a
21 violation of §§ 6, 7, or 8A of this article.

22 (k) Nothing in this section shall impair any right of arrest otherwise existing
23 under this Code.

24 (l) Nothing in this section deprives a person of the right to receive a citation
25 for a traffic violation as provided in the Maryland Vehicle Law or for a criminal
26 violation, as provided by law or rule of court.

27 (m) (1) (i) In this subsection the following words have the meanings
28 indicated.

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

33 (iii) "Police officer" does not include a State Police officer.

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

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

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

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

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

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

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

15 4. An emergency exists; and

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

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

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

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

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

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

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

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

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

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
3 this subsection shall be made at a reasonable time in advance.

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

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

11 (7) (i) When acting under the authority granted in this subsection, the
12 State Fire Marshal or a full-time investigative and inspection assistant of the Office
13 of the State Fire Marshal has the powers of arrest set forth in subsections (a) through
14 (e) of this section for any criminal violation of the Code.

15 (ii) The powers of arrest established under subparagraph (i) of this
16 paragraph are in addition to the powers of arrest established under subsection (i) of
17 this section.

18 (n) Correctional employees assigned by the Commissioner of Correction to
19 monitor inmates on home detention under § 689A of this article have the same powers
20 of arrest for inmates in the home detention program as are set forth in this section for
21 police officers.

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

25 (p) A police officer may arrest a person without a warrant if:

26 (1) The police officer has probable cause to believe a stalking under § 124
27 of this article has been committed;

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

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

32 (q) Correctional officers designated by the Commissioner of Correction under
33 § 684A of this article have the same powers of arrest for individuals on the property of
34 a facility under the jurisdiction of the Division of Correction as are set forth in this
35 section for police officers.

36 (r) Correctional officers designated by the head administrative officer of a
37 county or municipal correctional facility under § 684B of this article have the same

1 powers of arrest for individuals on the property of the facility as are set forth in this
2 section for police officers.

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

4 ~~4-105A.~~

5 ~~(A) (1) THE INTERNAL INVESTIGATIVE UNIT IS ESTABLISHED AS A
6 SEPARATE AGENCY WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND
7 CORRECTIONAL SERVICES.~~

8 ~~(2) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
9 SHALL APPOINT THE DIRECTOR OF THE INTERNAL INVESTIGATIVE UNIT.~~

10 ~~(3) SUBJECT TO THE AUTHORITY OF THE SECRETARY OF PUBLIC
11 SAFETY AND CORRECTIONAL SERVICES, THE INTERNAL INVESTIGATIVE UNIT SHALL
12 HAVE THE FOLLOWING DUTIES:~~

13 ~~(I) TO INVESTIGATE:~~

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

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

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

21 ~~(II) TO ADOPT REGULATIONS FOR THE CONDUCT OF ITS
22 INVESTIGATIONS.~~

23 ~~(B) (1) A DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
24 INTERNAL INVESTIGATIVE UNIT INVESTIGATOR SHALL HAVE ALL THE POWERS OF A
25 PEACE OFFICER AND A POLICE OFFICER IN THIS STATE.~~

26 ~~(2) (I) A DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
27 SERVICES INTERNAL INVESTIGATIVE UNIT INVESTIGATOR MAY EXERCISE THESE
28 POWERS ONLY ON PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER
29 THE CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
30 SERVICES.~~

31 ~~(II) (C) (1) A DEPARTMENT OF PUBLIC SAFETY AND
32 CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT INVESTIGATOR MAY NOT
33 EXERCISE THESE POWERS ON ANY OTHER PROPERTY THE POWERS GRANTED IN THIS
34 SECTION ON PROPERTY THAT IS NOT OWNED, LEASED, OPERATED BY, OR UNDER THE
35 CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
36 UNLESS:~~

1 1. ~~(I)~~ ENGAGED IN FRESH PURSUIT OF A SUSPECTED
2 OFFENDER;

3 2. ~~(II)~~ REQUESTED OR AUTHORIZED TO DO SO BY THE
4 CHIEF EXECUTIVE OFFICER OR CHIEF POLICE OFFICER OF ANY COUNTY;

5 3. ~~(III)~~ NECESSARY TO FACILITATE THE ORDERLY FLOW OF
6 TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE
7 CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

8 4. ~~(IV)~~ NECESSARY TO INVESTIGATE AND PROTECT
9 PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE
10 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

11 5. ~~(V)~~ ENGAGED IN AN ACTIVE AND OFFICIAL
12 INVESTIGATION OF THE CONDUCT OF AN EMPLOYEE OF THE DEPARTMENT OF
13 PUBLIC SAFETY AND CORRECTIONAL SERVICES WHEN THE EMPLOYEE'S ALLEGED
14 CONDUCT WILL COMPROMISE THE SAFETY OR SECURITY OF THE DEPARTMENT'S
15 FACILITIES OR PROGRAMS;

16 6. ~~(VI)~~ ENGAGED IN AN ACTIVE AND OFFICIAL
17 INVESTIGATION OF AN INMATE IN THE CUSTODY OF THE COMMISSIONER OF
18 CORRECTION, THE COMMISSIONER OF PRETRIAL DETENTION AND SERVICES, OR
19 SUBJECT TO THE JURISDICTION OF THE PATUXENT INSTITUTION, OR AN INDIVIDUAL
20 SENTENCED TO PROBATION, OR RELEASED ON PAROLE OR MANDATORY
21 SUPERVISION; OR

22 7. ~~(VII)~~ ORDERED TO DO SO BY THE GOVERNOR.

23 ~~(2) WHEN ACTING UNDER THE AUTHORITY GRANTED IN THIS~~
24 ~~SUBSECTION, THE FOLLOWING NOTIFICATIONS OF AN INVESTIGATION OR~~
25 ~~ENFORCEMENT ACTION SHALL BE MADE:~~

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

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

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

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

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

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

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

8 ~~(3) THE NOTIFICATION REQUIRED IN PARAGRAPH (2) OF THIS~~
 9 ~~SUBSECTION SHALL BE MADE:~~

10 ~~(I) IN ADVANCE, IF PRACTICABLE; OR~~

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

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

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

21 ~~(C) (D) AN INDIVIDUAL EMPLOYED AS AN INVESTIGATOR SHALL MEET THE~~
 22 ~~MINIMUM QUALIFICATIONS REQUIRED AND SATISFACTORILY COMPLETE THE~~
 23 ~~TRAINING PRESCRIBED BY THE MARYLAND POLICE TRAINING COMMISSION.~~

24 4-201.

25 (a) As used in this section:

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

- 29 1. Department of State Police;
- 30 2. Baltimore City Police Department;
- 31 3. Police department, bureau, or force of a county;
- 32 4. Police department, bureau, or force of an incorporated city
 33 or town;
- 34 5. Mass Transit Administration Police Force, the Maryland
 35 Port Administration Police Force of the Department of Transportation, or the
 36 Maryland Transportation Authority Police Force;

- 1 6. Police Force of the University of Maryland or Morgan
- 2 State University;
- 3 7. Sheriff's department of any county or Baltimore City;
- 4 8. Natural Resources Police Force or the Forest and Park
- 5 Service Police Force of the Department of Natural Resources;
- 6 9. Security Force of the Department of General Services; or
- 7 State, county or municipality security force if the special police officers are appointed
- 8 under the provisions of § 4-901 of this article;
- 9 10. Housing Authority of Baltimore City Police Force;
- 10 11. Baltimore City School Police Force; or
- 11 12. Crofton Police Department.

12 (ii) Police officer does not mean a person serving as such solely by
13 virtue of his occupying any other office or position, nor does the term include a sheriff,
14 Secretary of the State Police, commissioner of police, deputy or assistant
15 commissioner of police, chief of police, deputy or assistant chief of police, or any
16 person having an equivalent title who is appointed or employed by a government to
17 exercise equivalent supervisory authority. The term also does not mean any member
18 of the Maryland National Guard who is under the control and jurisdiction of the
19 Military Department, and who is charged with exercising police powers in and for the
20 military property, designated as the Glenn L. Martin State Airport, to which the
21 individual is assigned. However, any person who is exempt under this provision may
22 be certified as a police officer if that person meets the selection and training
23 standards of the Commission.

24 (iii) "Police officer" includes:

- 25 1. A member of the Investigative Services Unit of the
- 26 Comptroller's Office; [and]
- 27 2. The State Fire Marshal or a full-time investigative and
- 28 inspection assistant of the Office of the State Fire Marshal; AND
- 29 3. AN INVESTIGATOR OF THE INTERNAL INVESTIGATIVE
- 30 UNIT OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

31 Article - Correctional Services

32 SUBTITLE 7. INTERNAL INVESTIGATIVE UNIT.

33 10-701.

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

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

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

5 (I) INVESTIGATE:

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

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

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

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

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

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

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

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

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

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

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

35 (VI) ENGAGED IN AN ACTIVE AND OFFICIAL INVESTIGATION OF AN
36 INMATE IN THE CUSTODY OF THE COMMISSIONER OF CORRECTION OR THE

1 COMMISSIONER OF PRETRIAL DETENTION AND SERVICES, AN INMATE SUBJECT TO
2 THE JURISDICTION OF THE PATUXENT INSTITUTION, OR AN INDIVIDUAL
3 SENTENCED TO PROBATION OR RELEASED ON PAROLE OR MANDATORY
4 SUPERVISION; OR

5 (VII) ORDERED TO DO SO BY THE GOVERNOR.

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

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

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

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

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

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

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

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

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

30 (I) IN ADVANCE, IF PRACTICABLE; OR

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

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

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

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

8 **Article - Health - General**

9 18-213.

10 (a) (1) In this section the following words have the meanings indicated.

11 (2) "Contagious disease or virus" means:

12 (i) Human immunodeficiency virus (HIV);

13 (ii) Meningococcal meningitis;

14 (iii) Tuberculosis;

15 (iv) Mononucleosis;

16 (v) Any form of viral hepatitis, including but not limited to
 17 hepatitis A, B, C, D, E, F, and G;

18 (vi) Diphtheria;

19 (vii) Plague;

20 (viii) Hemorrhagic fevers; or

21 (ix) Rabies.

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

25 (i) The Department of State Police;

26 (ii) The Baltimore City Police Department;

27 (iii) The police department, bureau, or force of any county;

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

30 (v) The office of the sheriff of any county;

1 (vi) The police department, bureau, or force of any bicounty agency
2 or constituent institution of the University System of Maryland, Morgan State
3 University, St. Mary's College, or of any institution under the jurisdiction of the
4 Maryland Higher Education Commission;

5 (vii) The Mass Transit Administration police force of the Department
6 of Transportation, the Maryland Transportation Authority Police Force, and the
7 Maryland Port Administration police force of the Department of Transportation;

8 (viii) The law enforcement officers of the Department of Natural
9 Resources;

10 (ix) The Investigative Services Unit of the Comptroller's Office; [or]

11 (x) The Crofton Police Department; OR

12 (XI) THE INTERNAL INVESTIGATIVE UNIT OF THE DEPARTMENT OF
13 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

14 (4) "Correctional institution" means a place of detention or correctional
15 confinement operated by or for the State or a local government.

16 (5) (i) "Correctional officer" means a member of a correctional unit
17 who is charged with and actually performs those duties that relate to the
18 investigation, care, custody, control, or supervision of persons confined to places of
19 incarceration.

20 (ii) "Correctional officer" includes any sheriff, warden,
21 superintendent, or any other person having an equivalent title.

22 (6) "Medical care facility" means a hospital as defined in § 19-301 of this
23 title or a health care facility of a correctional institution.

24 (b) While treating or transporting an ill or injured patient to a medical care
25 facility or while acting in the performance of duty, if a paid or volunteer fire fighter,
26 emergency medical technician, or rescue squadman comes into contact with a patient
27 who is subsequently diagnosed as having a contagious disease or virus, as a result of
28 information obtained in conjunction with the services provided during the visit to the
29 facility, the attending physician, medical examiner, a designee of the medical care
30 facility who receives the patient, the Chief Medical Examiner, or the Chief Medical
31 Examiner's designee shall notify the fire fighter, emergency medical technician, or
32 rescue squadman, and the employer or employer's designee of the individual's
33 possible exposure to the contagious disease or virus.

34 (c) If, while treating or transporting an ill or injured patient to a medical care
35 facility or while acting in the performance of duty, a law enforcement officer comes
36 into contact with a patient who is subsequently diagnosed, as a result of information
37 obtained in conjunction with the services provided during the visit to the facility, as
38 having a contagious disease or virus, the attending physician, medical examiner, a
39 designee of the medical care facility who receives the patient, the Chief Medical

1 Examiner or the Chief Medical Examiner's designee shall notify the law enforcement
2 officer and the officer's employer or employer's designee of the officer's possible
3 exposure to the contagious disease or virus.

4 (d) If, while treating or transporting an ill or injured inmate to a medical care
5 facility or while acting in the performance of duty, a correctional officer comes into
6 contact with an inmate who is subsequently diagnosed, as a result of information
7 obtained in conjunction with the services provided during the visit to the facility, as
8 having a contagious disease or virus, the attending physician, medical examiner, a
9 designee of the medical care facility that receives the inmate, the Chief Medical
10 Examiner, or the Chief Medical Examiner's designee shall notify the correctional
11 officer and the correctional officer's correctional institution or the correctional
12 institution's designee of the officer's possible exposure to the contagious disease or
13 virus.

14 (e) The notification required under subsection (b), (c), or (d) of this section
15 shall:

16 (1) Be made within 48 hours, or sooner, of confirmation of the patient's
17 diagnosis;

18 (2) Include subsequent written confirmation of possible exposure to the
19 contagious disease or virus;

20 (3) Be conducted in a manner that will protect the confidentiality of the
21 patient; and

22 (4) To the extent possible, be conducted in a manner that will protect the
23 confidentiality of the fire fighter, emergency medical technician, rescue squadman,
24 law enforcement officer, or correctional officer.

25 (f) The written confirmation required under subsection (e)(2) of this section
26 shall constitute compliance with this section.

27 (g) Each medical care facility shall develop written procedures for the
28 implementation of this section, and, upon request, make copies available to the local
29 fire authority, the local fire authority's designee, the local law enforcement authority,
30 the local law enforcement authority's designee, the correctional officer, or the
31 correctional institution's designee having jurisdiction.

32 (h) A medical care facility, physician, Chief Medical Examiner, or the Chief
33 Medical Examiner's designee acting in good faith to provide notification in accordance
34 with this section may not be liable in any cause of action related to the breach of
35 patient confidentiality.

36 (i) A medical care facility, physician, Chief Medical Examiner, or the Chief
37 Medical Examiner's designee acting in good faith to provide notification in accordance
38 with this section may not be liable in any cause of action for:

1 (1) The failure to give the required notice, if the fire fighter, emergency
2 medical technician, rescue squadman, law enforcement officer, or correctional officer
3 fails to properly initiate the notification procedures developed by the health care
4 facility under subsection (g) of this section; or

5 (2) The failure of the employer or employer's designee to subsequently
6 notify the fire fighter, emergency medical technician, rescue squadman, law
7 enforcement officer, or correctional officer of the possible exposure to a contagious
8 disease or virus.

9 (j) A fire fighter, emergency medical technician, rescue squadman, law
10 enforcement officer, or correctional officer shall receive from their employers or local
11 governmental bodies, at the expense of the employer or local governmental body, as
12 part of their training, education on:

13 (1) (i) The routes of transmission of HIV and hepatitis B virus; and

14 (ii) The routes by which a fire fighter, emergency medical
15 technician, rescue squadman, law enforcement officer, or correctional officer may be
16 exposed to HIV and hepatitis B virus; and

17 (2) The current Centers for Disease Control guidelines for preventing
18 prehospital exposure to HIV and hepatitis B while rendering emergency medical care.

19 (k) A fire fighter, emergency medical technician, rescue squadman, law
20 enforcement officer, or correctional officer shall receive from their employers,
21 associations, or local governmental bodies, at the employers', associations', or local
22 governmental bodies' expense, equipment recommended by the Centers for Disease
23 Control to protect a fire fighter, emergency medical technician, rescue squadman, law
24 enforcement officer, or correctional officer from exposure to HIV and hepatitis B while
25 rendering emergency medical care.

26 (l) (1) The fire department, law enforcement agency, and all other agencies
27 or organizations employing a fire fighter, emergency medical technician, rescue
28 squadman, law enforcement officer, or correctional officer shall develop written
29 procedures for the implementation of this section.

30 (2) On request, copies of the procedures developed in this subsection
31 shall be made available to employees, employee unions, volunteer associations, and
32 the Secretary.

33 (m) A person under this section may not refuse to treat or transport an
34 individual because the individual is HIV positive.

35 18-213.2.

36 (a) (1) In this section the following words have the meanings indicated.

37 (2) (i) "Body fluids" means:

- 1
2 secretions; or
- 3
- 4 1. Any fluid containing visible blood, semen, or vaginal
5 sputum, tears, urine, or vomitus.
- 6 (ii) "Body fluids" does not include saliva, stool, nasal secretions,
7 sputum, tears, urine, or vomitus.
- 8 (3) "Contagious disease or virus" means:
- 9 (i) Human immunodeficiency virus (HIV);
- 10 (ii) Meningococcal meningitis;
- 11 (iii) Tuberculosis;
- 12 (iv) Mononucleosis;
- 13 (v) Any form of viral hepatitis, including but not limited to
14 hepatitis A, B, C, D, E, F, and G;
- 15 (vi) Diphtheria;
- 16 (vii) Plague;
- 17 (viii) Hemorrhagic fevers; or
- 18 (ix) Rabies.
- 19 (4) "Contact exposure" means as between a decedent and a first
20 responder:
- 21 (i) Percutaneous contact with blood or body fluids;
- 22 (ii) Mucocutaneous contact with blood or body fluids;
- 23 (iii) Open wound, including dermatitis, exudative lesions, or
24 chapped skin, contact with blood or body fluids for a prolonged period; or
- 25 (iv) Intact skin contact with large amounts of blood or body fluids
26 for a prolonged period.
- 27 (5) "Correctional institution" means a place of detention or correctional
28 confinement operated by or for the State or a local government.
- 29 (6) (i) "Correctional officer" means a member of a correctional unit
30 who is charged with and actually performs those duties that relate to the
investigation, care, custody, control, or supervision of individuals confined to places of
incarceration.

1 (ii) "Correctional officer" includes any sheriff, warden,
2 superintendent, or other individual having the equivalent title.

3 (7) "First responder" means a:

4 (i) Fire fighter;

5 (ii) Emergency medical technician;

6 (iii) Rescue squad member;

7 (iv) Law enforcement officer;

8 (v) Correctional officer; or

9 (vi) Sworn member of the State Fire Marshal's office.

10 (8) "Law enforcement officer" means any individual who, in an official
11 capacity, is authorized by law to make arrests and who is a member of one of the
12 following law enforcement agencies:

13 (i) The Department of State Police;

14 (ii) The Baltimore City Police Department;

15 (iii) The police department, bureau, or force of any county;

16 (iv) The police department, bureau, or force of any incorporated city
17 or town;

18 (v) The office of the sheriff of any county;

19 (vi) The police department, bureau, or force of any bicounty agency
20 or constituent institution of the University System of Maryland, Morgan State
21 University, St. Mary's College, or of any institution under the jurisdiction of the
22 Maryland Higher Education Commission;

23 (vii) The Maryland Aviation Administration police force of the
24 Department of Transportation, the Mass Transit Administration police force of the
25 Department of Transportation, the Maryland Transportation Authority police force,
26 and the Maryland Port Administration police force of the Department of
27 Transportation;

28 (viii) The law enforcement officers of the Department of Natural
29 Resources; [or]

30 (ix) The Investigative Services Unit of the Comptroller's Office; OR

31 (X) THE INTERNAL INVESTIGATIVE UNIT OF THE DEPARTMENT OF
32 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

1 (9) "Medical care facility" means a hospital, or a health care facility of a
2 correctional institution.

3 (10) "Physician performing a postmortem examination" means any of the
4 following persons who perform a postmortem examination on a decedent:

5 (i) The Chief Medical Examiner; or

6 (ii) The Chief Medical Examiner's designee.

7 (b) If, while transporting a person to a medical care facility or while acting in
8 the performance of duty, a first responder comes into contact exposure while treating
9 or transporting a person who dies at the scene or while being transported and who is
10 subsequently determined, as a result of information obtained in conjunction with a
11 postmortem examination by the Chief Medical Examiner or a designee of the Chief
12 Medical Examiner to have had a contagious disease or virus at the time of death, the
13 physician performing the postmortem examination shall notify the first responder
14 and the first responder's employer or the employer's designee of the first responder's
15 possible contact exposure to the contagious disease or virus.

16 (c) The notification required under subsection (b) of this section shall:

17 (1) Be made within 48 hours of confirmation of the determination that
18 the deceased person had a contagious disease or virus at the time of death;

19 (2) Include subsequent written confirmation of possible contact exposure
20 to the contagious disease or virus;

21 (3) Be conducted in a manner that will protect the confidentiality of the
22 deceased person; and

23 (4) To the extent possible, be conducted in a manner that will protect the
24 confidentiality of the first responder.

25 (d) The written confirmation required under subsection (c)(2) of this section
26 shall constitute compliance with this section.

27 (e) A medical care facility or physician performing a postmortem examination
28 acting in good faith to provide notification in accordance with this section is not liable
29 in any cause of action related to a breach of patient confidentiality.

30 (f) A medical care facility or physician performing a postmortem examination
31 acting in good faith to provide notification in accordance with this section is not liable
32 in any cause of action for:

33 (1) The failure to give the required notice if the first responder fails to
34 properly initiate the notification procedures developed by the medical care facility
35 and the Chief Medical Examiner under subsection (g) of this section; or

1 (2) The failure of the employer or the employer's designee to
2 subsequently notify the first responder of the possible contact exposure to a
3 contagious disease or virus.

4 (g) (1) The State Fire Marshal, the Chief Medical Examiner, and each fire
5 department, rescue squad company, medical care facility, correctional institution, and
6 law enforcement agency in the State shall develop written procedures for the
7 implementation of this section.

8 (2) On request, the State Fire Marshal and each fire department, rescue
9 squad company, medical care facility, correctional institution, and law enforcement
10 agency shall make copies of the procedures developed in this subtitle available to
11 employees, employee unions, volunteer associations, and the Secretary.

12 (h) A person covered under subsection (a)(5), (6), (7), (8), (9), and (10) of this
13 section may not refuse to treat or transport a deceased person because the deceased
14 person was HIV positive at the time of death.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
16 effect October 1, 1999.