
By: **Chairman, Judiciary Committee (Departmental - Public Safety and
Correctional Services)**

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Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

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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
17 contagious diseases or viruses; and generally relating to the operation and
18 functions of the Internal Investigative Unit of the Department of Public Safety
19 and Correctional Services.

20 BY repealing and reenacting, with amendments,
21 Article 27 - Crimes and Punishments
22 Section 594B
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1998 Supplement)

25 BY adding to

1 Article 41 - Governor - Executive and Administrative Departments
2 Section 4-105A
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 1998 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article 41 - Governor - Executive and Administrative Departments
7 Section 4-201(a)(8)
8 Annotated Code of Maryland
9 (1997 Replacement Volume and 1998 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 18-213 and 18-213.2
13 Annotated Code of Maryland
14 (1994 Replacement Volume and 1998 Supplement)

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

17 **Article 27 - Crimes and Punishments**

18 594B.

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

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

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

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

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

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

34 2. There is evidence of physical injury; and

35 3. Unless the person is immediately arrested:

- 1 A. The person may not be apprehended;
- 2 B. The person may cause injury to the person or damage to
3 the property of one or more other persons; or
- 4 C. The person may tamper with, dispose of, or destroy
5 evidence; and
- 6 (ii) A report to the police was made within 48 hours of the alleged
7 incident.

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

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

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

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

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

18 (i) The person may not be apprehended;

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

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

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

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

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

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

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

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

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

- 1 (vi) Sections 342 through 344 (theft) where the value of the property
2 stolen was less than \$300;
- 3 (vii) Sections 276 through 302 (relating to drugs and other
4 dangerous substances) as they shall be amended from time to time;
- 5 (viii) Section 36B (relating to handguns);
- 6 (ix) Section 388 (relating to manslaughter by automobile, etc.); and
- 7 (x) Section 335A (relating to indecent exposure).
- 8 (2) Attempts to commit the offenses specified in the following sections of
9 Article 27 as they may be amended from time to time:
- 10 (i) Section 8(a) (relating to malicious burning);
- 11 (ii) Section 111 (relating to destroying, injuring, etc., property of
12 another);
- 13 (iii) Sections 342 through 344 (theft) where the value of the property
14 stolen was less than \$300;
- 15 (iv) Section 33A (relating to breaking into a building or boat with
16 intent to steal); or
- 17 (v) Sections 276 through 302 (relating to drugs and other
18 dangerous substances), as they shall be amended from time to time.
- 19 (g) For purposes of this section, the term "police officer" means any person
20 who, in an official capacity, is authorized by law to make arrests and who is:
- 21 (1) A member of the Department of State Police;
- 22 (2) A member of the Baltimore City Police Department;
- 23 (3) A member of the Baltimore City School Police Force;
- 24 (4) A member of the police department, bureau, or force of any county;
- 25 (5) A member of the police department, bureau, or force of any
26 incorporated city or town, except Baltimore City, which is a "qualifying municipality",
27 as defined in § 66(a)(7) and § 69 of Article 88B of this Code;
- 28 (6) A member of the Mass Transit Administration Police Force, or the
29 Maryland Port Administration Police Force of the Department of Transportation or
30 the Maryland Transportation Authority Police Force;
- 31 (7) A member of the University of Maryland or Morgan State University
32 Police Force;

1 (8) Appointed, or given the powers of, a special policeman employed and
2 compensated by the State for the enforcement of law and the maintenance of order on
3 property of the State or of any of its agencies, or for the protection of such property,
4 and includes a member of the Department of General Services security force;

5 (9) The sheriff of any county and whose usual duties include the making
6 of arrests;

7 (10) A regularly employed deputy sheriff of any county and who is
8 compensated by the county and whose usual duties include the making of arrests;

9 (11) A member of the Natural Resources Police of the Department of
10 Natural Resources;

11 (12) A member of the Investigative Services Unit of the Comptroller's
12 Office;

13 (13) A member of the Maryland-National Capital Park and Planning
14 Commission Park Police;

15 (14) Housing Authority of Baltimore City Police Force;

16 (15) A member of the Crofton Police Department;

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

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

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

25 (h) (1) (i) In this subsection the following words have the meanings
26 indicated.

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

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

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

- 1 (i) The powers of arrest as set forth in this section; and
- 2 (ii) The power to execute arrest and search and seizure warrants
3 issued under the laws of this State.
- 4 (3) A federal law enforcement officer may exercise the powers granted in
5 this subsection if:
- 6 (i) The officer is participating in a joint investigation with officials
7 from any State or local law enforcement agency;
- 8 (ii) The officer is rendering assistance to a police officer;
- 9 (iii) The officer is acting at the request of a local police officer or a
10 State Police officer; or
- 11 (iv) An emergency exists.
- 12 (4) When acting under the authority granted in this subsection, the
13 following notifications of an investigation or enforcement action shall be made:
- 14 (i) 1. When in an incorporated municipality, to the chief of
15 police, if any, or the chief's designee;
- 16 2. When in a county which has a county police department,
17 to the chief of police or the chief's designee;
- 18 3. When in a county without a police department, to the
19 sheriff or the sheriff's designee;
- 20 4. When in Baltimore City, to the Police Commissioner or the
21 Police Commissioner's designee;
- 22 5. When on any property owned, leased, operated by, or
23 under the control of the Department of Natural Resources, to the Secretary of Natural
24 Resources or the Secretary's designee; or
- 25 6. When on any property owned, leased, or operated by or
26 under the control of the Maryland Transportation Authority or the Maryland Port
27 Administration, to the respective chief of police or the chief's designee; and
- 28 (ii) Unless there is an agreement otherwise with the Department of
29 State Police, to the Department of State Police barrack commander or designee.
- 30 (5) When a federal law enforcement officer is acting under the authority
31 granted in paragraph (3)(i) of this subsection, the notification required under
32 paragraph (4) of this subsection shall be made at a reasonable time in advance.
- 33 (6) A federal law enforcement officer who exercises the powers set forth
34 in this subsection has the same legal status as a police officer of this State.

1 (7) Nothing in this subsection shall be construed to impose liability upon
2 or to require indemnification by the State of Maryland or any local subdivision for any
3 act performed by a federal law enforcement officer pursuant to this subsection.

4 (8) (i) Any federal law enforcement officer acting pursuant to this
5 subsection shall enjoy the same protections provided to police officers of this State as
6 set forth in § 2-608 of the Courts Article with regard to charging documents against
7 police officers.

8 (ii) A federal law enforcement officer acting under this subsection
9 shall have the immunity from liability described under § 5-611 of the Courts Article.

10 (i) (1) Except as provided in subsection (l)(7) of this section, the State Fire
11 Marshal or a full-time investigative and inspection assistant of the Office of the State
12 Fire Marshal has the powers of arrest set forth in subsection (c) of this section only as
13 to offenses listed under §§ 6, 7, 139C, and 410, of this article, and attempts,
14 conspiracies, and solicitations to commit these offenses.

15 (2) Except as provided in subsection (l)(7) of this section, the State Fire
16 Marshal or a full-time investigative and inspection assistant of the Office of the State
17 Fire Marshal has the powers of arrest set forth in subsection (e) of this section only as
18 to offenses listed under §§ 8(a), 9, 9A, 11D, 111B, 151A, 151C, 156, and 470A(b)(4) of
19 this article, and attempting, causing, aiding, counseling, or procuring arson in the
20 first or second degree or malicious burning in the first or second degree.

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

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

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

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

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

34 (i) Listed under §§ 8(a), 9, 9A, 11D, 12A-2, 151, 156, 156B, and
35 470A(b)(4) of this article;

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

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

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

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

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

8 (m) (1) (i) In this subsection the following words have the meanings
9 indicated.

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

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

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

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

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

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

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

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

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

31 4. An emergency exists; and

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

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

- 1 (i) 1. When in an incorporated municipality, to the chief of
2 police, if any, or the chief's designee;
- 3 2. When in a county that has a county police department, to
4 the chief of police or the chief's designee;
- 5 3. When in a county without a police department, to the
6 sheriff or the sheriff's designee;
- 7 4. When in Baltimore City, to the Police Commissioner or the
8 Police Commissioner's designee;
- 9 5. When on any property owned, leased, operated by, or
10 under the control of the Department of Natural Resources, to the Secretary of Natural
11 Resources or the Secretary's designee; or
- 12 6. When on any property owned, leased, or operated by or
13 under the control of the Maryland Transportation Authority, the Maryland Aviation
14 Administration or the Maryland Port Administration, to the respective chief of police
15 or the chief's designee; and
- 16 (ii) Unless there is an agreement otherwise with the Department of
17 State Police, to the Department of State Police barrack commander or designee.
- 18 (5) When the police officer is acting under the authority granted in
19 paragraph (3)(i)1 of this subsection, the notification required under paragraph (4) of
20 this subsection shall be made at a reasonable time in advance.
- 21 (6) (i) When acting under the authority granted in this subsection,
22 any police officer shall have all the immunities from liability and exemptions as that
23 of a State Police officer in addition to any other immunities and exemptions to which
24 the police officer may otherwise be entitled.
- 25 (ii) Any police officer who uses the authority granted in this
26 subsection shall at all times or for all purposes remain an employee of the respective
27 employing agency.
- 28 (7) (i) When acting under the authority granted in this subsection, the
29 State Fire Marshal or a full-time investigative and inspection assistant of the Office
30 of the State Fire Marshal has the powers of arrest set forth in subsections (a) through
31 (e) of this section for any criminal violation of the Code.
- 32 (ii) The powers of arrest established under subparagraph (i) of this
33 paragraph are in addition to the powers of arrest established under subsection (i) of
34 this section.
- 35 (n) Correctional employees assigned by the Commissioner of Correction to
36 monitor inmates on home detention under § 689A of this article have the same powers
37 of arrest for inmates in the home detention program as are set forth in this section for
38 police officers.

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

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

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

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

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

11 (q) Correctional officers designated by the Commissioner of Correction under
12 § 684A of this article have the same powers of arrest for individuals on the property of
13 a facility under the jurisdiction of the Division of Correction as are set forth in this
14 section for police officers.

15 (r) Correctional officers designated by the head administrative officer of a
16 county or municipal correctional facility under § 684B of this article have the same
17 powers of arrest for individuals on the property of the facility as are set forth in this
18 section for police officers.

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

20 4-105A.

21 (A) (1) THE INTERNAL INVESTIGATIVE UNIT IS ESTABLISHED AS A
22 SEPARATE AGENCY WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND
23 CORRECTIONAL SERVICES.

24 (2) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
25 SHALL APPOINT THE DIRECTOR OF THE INTERNAL INVESTIGATIVE UNIT.

26 (3) SUBJECT TO THE AUTHORITY OF THE SECRETARY OF PUBLIC
27 SAFETY AND CORRECTIONAL SERVICES, THE INTERNAL INVESTIGATIVE UNIT SHALL
28 HAVE THE FOLLOWING DUTIES:

29 (I) TO INVESTIGATE:

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

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

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

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

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

8 (2) ~~(H)~~ A DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
9 SERVICES INTERNAL INVESTIGATIVE UNIT INVESTIGATOR MAY EXERCISE THESE
10 POWERS ONLY ON PROPERTY THAT IS OWNED, LEASED, OPERATED BY, OR UNDER
11 THE CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
12 SERVICES.

13 ~~(H)~~ (C) (1) A DEPARTMENT OF PUBLIC SAFETY AND
14 CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT INVESTIGATOR MAY NOT
15 EXERCISE ~~THESE POWERS ON ANY OTHER PROPERTY~~ THE POWERS GRANTED IN THIS
16 SECTION ON PROPERTY THAT IS NOT OWNED, LEASED, OPERATED BY, OR UNDER THE
17 CONTROL OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
18 UNLESS:

19 1. (I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED
20 OFFENDER;

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

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

26 4. (IV) NECESSARY TO INVESTIGATE AND PROTECT
27 PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE
28 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

29 5. (V) ENGAGED IN AN ACTIVE AND OFFICIAL
30 INVESTIGATION OF THE CONDUCT OF AN EMPLOYEE OF THE DEPARTMENT OF
31 PUBLIC SAFETY AND CORRECTIONAL SERVICES WHEN THE EMPLOYEE'S ALLEGED
32 CONDUCT WILL COMPROMISE THE SAFETY OR SECURITY OF THE DEPARTMENT'S
33 FACILITIES OR PROGRAMS;

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

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

4 4-201.

5 (a) As used in this section:

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

- 9 1. Department of State Police;
- 10 2. Baltimore City Police Department;
- 11 3. Police department, bureau, or force of a county;
- 12 4. Police department, bureau, or force of an incorporated city
13 or town;
- 14 5. Mass Transit Administration Police Force, the Maryland
15 Port Administration Police Force of the Department of Transportation, or the
16 Maryland Transportation Authority Police Force;
- 17 6. Police Force of the University of Maryland or Morgan
18 State University;
- 19 7. Sheriff's department of any county or Baltimore City;
- 20 8. Natural Resources Police Force or the Forest and Park
21 Service Police Force of the Department of Natural Resources;
- 22 9. Security Force of the Department of General Services; or
23 State, county or municipality security force if the special police officers are appointed
24 under the provisions of § 4-901 of this article;
- 25 10. Housing Authority of Baltimore City Police Force;
- 26 11. Baltimore City School Police Force; or
- 27 12. Crofton Police Department.

28 (ii) Police officer does not mean a person serving as such solely by
 29 virtue of his occupying any other office or position, nor does the term include a sheriff,
 30 Secretary of the State Police, commissioner of police, deputy or assistant
 31 commissioner of police, chief of police, deputy or assistant chief of police, or any
 32 person having an equivalent title who is appointed or employed by a government to
 33 exercise equivalent supervisory authority. The term also does not mean any member
 34 of the Maryland National Guard who is under the control and jurisdiction of the
 35 Military Department, and who is charged with exercising police powers in and for the

1 military property, designated as the Glenn L. Martin State Airport, to which the
2 individual is assigned. However, any person who is exempt under this provision may
3 be certified as a police officer if that person meets the selection and training
4 standards of the Commission.

5 (iii) "Police officer" includes:

6 1. A member of the Investigative Services Unit of the
7 Comptroller's Office; [and]

8 2. The State Fire Marshal or a full-time investigative and
9 inspection assistant of the Office of the State Fire Marshal; AND

10 3. AN INVESTIGATOR OF THE INTERNAL INVESTIGATIVE
11 UNIT OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

12 **Article - Health - General**

13 18-213.

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

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

16 (i) Human immunodeficiency virus (HIV);

17 (ii) Meningococcal meningitis;

18 (iii) Tuberculosis;

19 (iv) Mononucleosis;

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

22 (vi) Diphtheria;

23 (vii) Plague;

24 (viii) Hemorrhagic fevers; or

25 (ix) Rabies.

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

29 (i) The Department of State Police;

30 (ii) The Baltimore City Police Department;

- 1 (iii) The police department, bureau, or force of any county;
- 2 (iv) The police department, bureau, or force of any incorporated city
3 or town;
- 4 (v) The office of the sheriff of any county;
- 5 (vi) The police department, bureau, or force of any bicounty agency
6 or constituent institution of the University System of Maryland, Morgan State
7 University, St. Mary's College, or of any institution under the jurisdiction of the
8 Maryland Higher Education Commission;
- 9 (vii) The Mass Transit Administration police force of the Department
10 of Transportation, the Maryland Transportation Authority Police Force, and the
11 Maryland Port Administration police force of the Department of Transportation;
- 12 (viii) The law enforcement officers of the Department of Natural
13 Resources;
- 14 (ix) The Investigative Services Unit of the Comptroller's Office; [or]
- 15 (x) The Crofton Police Department; OR
- 16 (XI) THE INTERNAL INVESTIGATIVE UNIT OF THE DEPARTMENT OF
17 PUBLIC SAFETY AND CORRECTIONAL SERVICES.
- 18 (4) "Correctional institution" means a place of detention or correctional
19 confinement operated by or for the State or a local government.
- 20 (5) (i) "Correctional officer" means a member of a correctional unit
21 who is charged with and actually performs those duties that relate to the
22 investigation, care, custody, control, or supervision of persons confined to places of
23 incarceration.
- 24 (ii) "Correctional officer" includes any sheriff, warden,
25 superintendent, or any other person having an equivalent title.
- 26 (6) "Medical care facility" means a hospital as defined in § 19-301 of this
27 title or a health care facility of a correctional institution.
- 28 (b) While treating or transporting an ill or injured patient to a medical care
29 facility or while acting in the performance of duty, if a paid or volunteer fire fighter,
30 emergency medical technician, or rescue squadman comes into contact with a patient
31 who is subsequently diagnosed as having a contagious disease or virus, as a result of
32 information obtained in conjunction with the services provided during the visit to the
33 facility, the attending physician, medical examiner, a designee of the medical care
34 facility who receives the patient, the Chief Medical Examiner, or the Chief Medical
35 Examiner's designee shall notify the fire fighter, emergency medical technician, or
36 rescue squadman, and the employer or employer's designee of the individual's
37 possible exposure to the contagious disease or virus.

1 (c) If, while treating or transporting an ill or injured patient to a medical care
2 facility or while acting in the performance of duty, a law enforcement officer comes
3 into contact with a patient who is subsequently diagnosed, as a result of information
4 obtained in conjunction with the services provided during the visit to the facility, as
5 having a contagious disease or virus, the attending physician, medical examiner, a
6 designee of the medical care facility who receives the patient, the Chief Medical
7 Examiner or the Chief Medical Examiner's designee shall notify the law enforcement
8 officer and the officer's employer or employer's designee of the officer's possible
9 exposure to the contagious disease or virus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 18-213.2.

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

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

4 1. Any fluid containing visible blood, semen, or vaginal
5 secretions; or

6 2. Cerebral spinal fluid, synovial, or amniotic fluid.

7 (ii) "Body fluids" does not include saliva, stool, nasal secretions,
8 sputum, tears, urine, or vomitus.

9 (3) "Contagious disease or virus" means:

10 (i) Human immunodeficiency virus (HIV);

11 (ii) Meningococcal meningitis;

12 (iii) Tuberculosis;

13 (iv) Mononucleosis;

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

16 (vi) Diphtheria;

17 (vii) Plague;

18 (viii) Hemorrhagic fevers; or

19 (ix) Rabies.

20 (4) "Contact exposure" means as between a decedent and a first
21 responder:

22 (i) Percutaneous contact with blood or body fluids;

23 (ii) Mucocutaneous contact with blood or body fluids;

24 (iii) Open wound, including dermatitis, exudative lesions, or
25 chapped skin, contact with blood or body fluids for a prolonged period; or

26 (iv) Intact skin contact with large amounts of blood or body fluids
27 for a prolonged period.

28 (5) "Correctional institution" means a place of detention or correctional
29 confinement operated by or for the State or a local government.

1 (6) (i) "Correctional officer" means a member of a correctional unit
2 who is charged with and actually performs those duties that relate to the
3 investigation, care, custody, control, or supervision of individuals confined to places of
4 incarceration.

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

7 (7) "First responder" means a:

8 (i) Fire fighter;

9 (ii) Emergency medical technician;

10 (iii) Rescue squad member;

11 (iv) Law enforcement officer;

12 (v) Correctional officer; or

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

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

17 (i) The Department of State Police;

18 (ii) The Baltimore City Police Department;

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

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

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

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

27 (vii) The Maryland Aviation Administration police force of the
28 Department of Transportation, the Mass Transit Administration police force of the
29 Department of Transportation, the Maryland Transportation Authority police force,
30 and the Maryland Port Administration police force of the Department of
31 Transportation;

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

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

2 (X) THE INTERNAL INVESTIGATIVE UNIT OF THE DEPARTMENT OF
3 PUBLIC SAFETY AND CORRECTIONAL SERVICES.

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

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

8 (i) The Chief Medical Examiner; or

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

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

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

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

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

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

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

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

30 (e) 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 related to a breach of patient confidentiality.

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

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

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

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

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

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

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