
By: **Delegate Pendergrass**
Introduced and read first time: March 3, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Special Police Officers - Authorized Powers**

3 FOR the purpose of authorizing certain special police officers to be commissioned to
4 maintain custody of certain prisoners in the custody of a law enforcement
5 agency under certain circumstances; authorizing certain special police officers to
6 exercise certain powers necessary to maintain custody of certain prisoners;
7 prohibiting special police officers from making certain arrests under certain
8 circumstances; prohibiting certain special police officers from performing
9 certain detective activities; providing that a special police officer and the
10 authority requesting the special police are liable for any wrongful actions
11 committed by the special police officer under certain circumstances; and
12 generally relating to the powers authorized to special police officers.

13 BY repealing and reenacting, with amendments,
14 Article 41 - Governor - Executive and Administrative Departments
15 Section 4-904 and 4-905
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1998 Supplement)

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

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

21 4-904.

22 Application for special police commission may be made by any of the following:

23 (1) FOR PURPOSES OF PROTECTING THE PROPERTY DESCRIBED IN THE
24 APPLICATION FOR A COMMISSION:

25 [(1)] (I) [any] ANY state, or any subdivision or agency of any state,
26 which has an interest in property situated wholly or partly in this State;

1 [(2)] (II) [any] ANY municipal, county, or other governmental body of the
2 State [of Maryland] for the purpose of protecting any property owned, leased, or
3 regularly used by the governmental body or any of its agencies;

4 [(3)] (III) [any] ANY college, university or public school system located in
5 this State for the protection of its property or students; OR

6 [(4)] (IV) [any] ANY firm, corporation, partnership, sole proprietorship,
7 or other entity existing and functioning for a legitimate and legal business purpose, in
8 order to protect its business property[.]; OR

9 (2) FOR PURPOSES OF MAINTAINING CUSTODY OF PRISONERS:

10 (I) ANY LAW ENFORCEMENT AGENCY OF A MUNICIPAL, COUNTY,
11 OR OTHER GOVERNMENTAL BODY OF THE STATE; OR

12 (II) ANY TRANSPORTING ENTITY OF A LAW ENFORCEMENT AGENCY
13 THAT TRANSPORTS PRISONERS IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY
14 PRIOR TO COMMITMENT TO A CORRECTIONAL FACILITY.

15 4-905.

16 (A) Each person appointed under this subtitle as a special police officer FOR
17 THE PURPOSES ENUMERATED IN § 4-904(1) OF THIS SUBTITLE is charged with the
18 protection and preservation of peace and good order on the property described in the
19 application for the commission. The officer has the power to arrest persons who
20 trespass or commit offenses thereon. The officer has, and may exercise, the powers of
21 a police officer upon the property described in the application for the commission and
22 may exercise these powers in any county or city of the State in connection with the
23 care, custody, and protection of other property of the requesting authority or other
24 property, real or personal, for which it has assumed an obligation to maintain or
25 protect. In order to facilitate the orderly ingress and egress of traffic to and from the
26 property described in the application, the officer has authority to direct and control
27 traffic on public highways and roads adjacent to and in the immediate vicinity of the
28 property described in the application when this activity is approved in advance by the
29 Secretary of the State Police; however, only a special police officer with a probationary
30 or permanent appointment as a security officer or a member of any industrial police
31 force who holds a special police commission, and has completed the basic training
32 course for police officers as established by the Police Training Commission, pursuant
33 to § 4-201 of this article may make arrests or issue traffic citations for violations of
34 any of the provisions of the Maryland Vehicle Law or any other State or local traffic
35 laws or regulations. The officer may exercise this power only upon the property of the
36 officer's employer as described in the application for the commission unless the officer
37 is in active pursuit of an individual for the purpose of immediate apprehension. The
38 officer is responsible for any abuse of the officer's powers or the exercise of them on
39 property not within the officer's jurisdiction. [The requesting authority for whose
40 convenience and protection the officer has been appointed is also responsible for any
41 wrongful actions committed by the officer in the course of the officer's duties as well
42 as any abuse of the powers granted by the commission either on or off the premises.]

1 (B) EACH PERSON APPOINTED UNDER § 4-904(2) OF THIS SUBTITLE MAY
2 EXERCISE ANY POWER NECESSARY TO:

3 (1) MAINTAIN CUSTODY OF A PRISONER IN THE CUSTODY OF A LAW
4 ENFORCEMENT AGENCY;

5 (2) MANAGE A PRISONER IN THE CUSTODY OF A LAW ENFORCEMENT
6 AGENCY'S BOOKING FACILITY; OR

7 (3) TRANSPORT A PRISONER IN THE CUSTODY OF A LAW ENFORCEMENT
8 AGENCY PRIOR TO COMMITMENT TO A CORRECTIONAL FACILITY.

9 (C) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A SPECIAL
10 POLICE OFFICER MAY NOT HAVE:

11 (1) GENERAL POWER OF ARREST;

12 (2) THE POWER TO MAKE AN ARREST ON WATERSHED PROPERTY; OR

13 (3) THE POWER OR AUTHORITY TO PERFORM DETECTIVE DUTY.

14 (D) (1) A SPECIAL POLICE OFFICER SHALL BE RESPONSIBLE FOR ANY
15 ABUSE OF POWER OR ANY EXERCISE OF POWER NOT SPECIFICALLY GRANTED
16 UNDER THIS SUBTITLE.

17 (2) THE REQUESTING AUTHORITY FOR WHOSE CONVENIENCE AND
18 PROTECTION THE SPECIAL POLICE OFFICER HAS BEEN APPOINTED IS ALSO
19 RESPONSIBLE FOR ANY WRONGFUL ACTIONS COMMITTED BY THE SPECIAL POLICE
20 OFFICER IN THE COURSE OF THE OFFICER'S DUTIES, AS WELL AS ANY ABUSE OF THE
21 POWERS GRANTED BY THE COMMISSION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 1999.