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By: **Chairman, Rules and Executive Nominations Committee**  
**(Departmental - Comptroller)**

Introduced and read first time: February 28, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Comptroller - Law Enforcement Authority**

3 FOR the purpose of changing the name of the Investigative Services Unit of the  
4 Comptroller's Office to the Field Enforcement Division of the Comptroller's  
5 Office; expanding the police authority of certain authorized employees of the  
6 Field Enforcement Division of the Comptroller's Office; and generally relating to  
7 the law enforcement powers of the Comptroller.

8 BY repealing and reenacting, with amendments,  
9 Article 2B - Alcoholic Beverages  
10 Section 16-407  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article 27 - Crimes and Punishments  
15 Section 594B(g) and 727(b)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article 41 - Governor - Executive and Administrative Departments  
20 Section 4-201(a)(8)(iii)  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1999 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Health - General  
25 Section 18-213(a)(3) and 18-213.2(a)(8)  
26 Annotated Code of Maryland  
27 (1994 Replacement Volume and 1999 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article - State Personnel and Pensions  
3 Section 8-301(b), 26-201(a)(2), and 26-202(b)  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume and 1999 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article - Tax - General  
8 Section 2-107  
9 Annotated Code of Maryland  
10 (1997 Replacement Volume and 1999 Supplement)

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

13 **Article 2B - Alcoholic Beverages**

14 16-407.

15 (a) There is [an Investigative Services Unit] A FIELD ENFORCEMENT  
16 DIVISION under the Comptroller, with such officers and employees as may be  
17 provided for in the budget from time to time.

18 (b) The officers and employees of the [Investigative Services Unit] FIELD  
19 ENFORCEMENT DIVISION shall be sworn police officers and shall have all the powers,  
20 duties and responsibilities of peace officers for the enforcement of the provisions of  
21 this article having to do generally with (1) the illegal importation of alcoholic  
22 beverages into this State; (2) the illegal manufacture of alcoholic beverages in this  
23 State; (3) the transportation and/or distribution throughout this State of alcoholic  
24 beverages which were manufactured illegally and/or on which any alcoholic beverages  
25 taxes imposed by this State are due and illegally unpaid; and (4) the manufacture,  
26 sale, barter, transportation, distribution or other form of owning, handling or  
27 dispersing alcoholic beverages by any person, persons, associations or corporation not  
28 licensed or authorized therefor under the provisions of this article. They are  
29 authorized and empowered, from time to time to make cooperative arrangements for  
30 and to work and cooperate with the various State's Attorneys, sheriffs, constables,  
31 bailiffs, police and other prosecuting and peace officers of every sort, in order to  
32 enforce the provisions of this article and as provided in this section.

33 (c) The [Investigative Services Unit] FIELD ENFORCEMENT DIVISION shall  
34 consult and advise with the several State's Attorneys and other law enforcement  
35 officials and police officers as to enforcement problems in their respective  
36 jurisdictions, and may make suggestions and recommendations for changes to  
37 improve the execution and administration of the provisions of this article.

**Article 27 - Crimes and Punishments**

1 594B.

2 (g) For purposes of this section, the term "police officer" means any person  
3 who, in an official capacity, is authorized by law to make arrests and who is:

4 (1) A member of the Department of State Police;

5 (2) A member of the Baltimore City Police Department;

6 (3) A member of the Baltimore City School Police Force;

7 (4) A member of the police department, bureau, or force of any county;

8 (5) A member of the police department, bureau, or force of any  
9 incorporated city or town, except Baltimore City, which is a "qualifying municipality",  
10 as defined in § 66(a)(7) and § 69 of Article 88B of this Code;

11 (6) A member of the Mass Transit Administration Police Force, or the  
12 Maryland Port Administration Police Force of the Department of Transportation or  
13 the Maryland Transportation Authority Police Force;

14 (7) A member of the University of Maryland or Morgan State University  
15 Police Force;

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

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

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

24 (11) A member of the Natural Resources Police of the Department of  
25 Natural Resources;

26 (12) A member of the [Investigative Services Unit] FIELD ENFORCEMENT  
27 DIVISION of the Comptroller's Office;

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

30 (14) A member of the Housing Authority of Baltimore City Police Force;

31 (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;

4 (17) Subject to subsections (i) and (m)(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 Department of  
8 Public Safety and Correctional Services.

9 727.

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

13 (1) The Department of State Police;

14 (2) The Baltimore City Police Department;

15 (3) The Baltimore City School Police Force;

16 (4) The police department, bureau, or force of any county;

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

19 (6) The office of the sheriff of any county or Baltimore City;

20 (7) The police department, bureau, or force of any bicounty agency;

21 (8) The police forces of the Department of Transportation;

22 (9) The police officers of the Department of Natural Resources;

23 (10) The [Investigative Services Unit] FIELD ENFORCEMENT DIVISION of  
24 the Comptroller's Office;

25 (11) Housing Authority of Baltimore City Police Force;

26 (12) The Crofton Police Department;

27 (13) The police officers of the Department of Health and Mental Hygiene;

28 (14) The police officers of the Department of General Services;

29 (15) The police officers of the Department of Labor, Licensing, and  
30 Regulation;

1 (16) The State Fire Marshal or a full-time investigative and inspection  
2 assistant of the Office of the State Fire Marshal; or

3 (17) The police officers of the University System of Maryland.

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

5 4-201.

6 (a) As used in this section:

7 (8) (iii) "Police officer" includes:

8 1. A member of the [Investigative Services Unit] FIELD  
9 ENFORCEMENT DIVISION of the Comptroller's Office;

10 2. The State Fire Marshal or a full-time investigative and  
11 inspection assistant of the Office of the State Fire Marshal; and

12 3. An investigator of the Internal Investigative Unit of the  
13 Department of Public Safety and Correctional Services.

14 **Article - Health - General**

15 18-213.

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

19 (i) The Department of State Police;

20 (ii) The Baltimore City Police Department;

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

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

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

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

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

1 (viii) The law enforcement officers of the Department of Natural  
2 Resources;

3 (ix) The [Investigative Services Unit] FIELD ENFORCEMENT  
4 DIVISION of the Comptroller's Office;

5 (x) The Crofton Police Department; or

6 (xi) The Internal Investigative Unit of the Department of Public  
7 Safety and Correctional Services.

8 18-213.2.

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

12 (i) The Department of State Police;

13 (ii) The Baltimore City Police Department;

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

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

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

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

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

27 (viii) The law enforcement officers of the Department of Natural  
28 Resources;

29 (ix) The [Investigative Services Unit] FIELD ENFORCEMENT  
30 DIVISION of the Comptroller's Office; or

31 (x) The Internal Investigative Unit of the Department of Public  
32 Safety and Correctional Services.

**Article - State Personnel and Pensions**

1 8-301.

2 (b) This subtitle does not apply to a law enforcement employee of the  
3 [Investigative Services Unit] FIELD ENFORCEMENT DIVISION of the State  
4 Comptroller's Office.

5 26-201.

6 (a) Except as provided in subsection (b) of this section, this subtitle applies  
7 only to:

8 (2) a law enforcement officer employed by the Maryland [Investigative  
9 Services Unit] FIELD ENFORCEMENT DIVISION OF THE COMPTROLLER'S OFFICE;

10 26-202.

11 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law  
12 Enforcement Officers' Pension System is optional for an individual described in §  
13 26-201 of this subtitle:

14 (i) who was employed by the Department of Natural Resources on  
15 July 1, 1990 and who elects membership on or before December 31, 1997;

16 (ii) who was employed by the Maryland [Investigative Services  
17 Unit] FIELD ENFORCEMENT DIVISION OF THE COMPTROLLER'S OFFICE on June 30,  
18 1995 and who elects membership on or before December 31, 1997;

19 (iii) who was employed by the Maryland Transportation Authority  
20 on June 30, 1997 and who elects membership on or before December 31, 1997;

21 (iv) who was employed by the Baltimore City Sheriff's Department  
22 on June 30, 1997 and who elects membership on or before December 31, 1997;

23 (v) who was employed by the University of Maryland Police Force  
24 on June 30, 1999 and who elects membership on or before December 31, 1999;

25 (vi) who is employed by a participating governmental unit on the  
26 effective date of participation on or after July 1, 1999 for that participating  
27 governmental unit and who elects membership within 6 months of the effective date  
28 of participation;

29 (vii) who was employed by the Maryland Port Administration Police  
30 Force and was subsequently transferred to and employed by the Maryland  
31 Transportation Authority Police Force on July 1, 1998 and who elects membership on  
32 or before December 31, 1998;

33 (viii) who was employed by the office of the State Fire Marshal on  
34 June 30, 1998 and who elects membership on or before December 31, 1998; or

1 (ix) who was employed by the Morgan State University Police Force  
2 on June 30, 1999 and who elects membership on or before December 31, 1999.

3 (2) To elect to be a member of the Law Enforcement Officers' Pension  
4 System, an individual shall file a written application with the State Retirement  
5 Agency.

6 (3) If an individual does not elect membership during the applicable  
7 period specified under paragraph (1) of this subsection, the individual may not  
8 become a member of the Law Enforcement Officers' Pension System.

9 **Article - Tax - General**

10 2-107.

11 (a) Authorized employees of the [Investigative Services Unit] FIELD  
12 ENFORCEMENT DIVISION of the Comptroller's Office:

13 (1) shall be individuals who are sworn police officers; and

14 (2) have all the powers, duties, and responsibilities of a peace officer for  
15 the purpose of enforcing the laws pertaining to:

16 (i) alcoholic beverage tax;

17 (ii) tobacco tax;

18 (iii) motor fuel tax;

19 (iv) motor carrier tax;

20 (v) motor fuel and lubricants; [and]

21 (vi) [transient vendors within the meaning of Subtitle 20A of Title]  
22 ALL LICENSES ISSUED PURSUANT TO TITLES 16 AND 17 of the Business Regulation  
23 Article;

24 (VII) ADMISSIONS AND AMUSEMENT TAX;

25 (VIII) INCOME TAX;

26 (IX) SALES AND USE TAX; AND

27 (X) CRIMES AND OFFENSES SET FORTH IN TITLE 13, OF SUBTITLE  
28 10 OF THE TAX - GENERAL ARTICLE.

29 (b) (1) The Department of State Police shall help the [Investigative Services  
30 Unit] FIELD ENFORCEMENT DIVISION in enforcing the motor carrier tax, motor fuel  
31 tax and motor fuel and lubricants laws.



1           (2)     The Comptroller shall pay the salaries and expenses of all  
2 Department of State Police staff assigned to the [Investigative Services Unit] FIELD  
3 ENFORCEMENT DIVISION.

4       (c)     (1)     (i)     Except for the Sheriff, constables and bailiffs of Baltimore  
5 County, each law enforcement officer shall enforce the alcoholic beverage tax and  
6 tobacco tax laws; and

7                       (ii)     a State's Attorney or other prosecutor may prosecute alleged  
8 violations of the alcoholic beverage tax or tobacco tax laws.

9           (2)     The [Investigative Services Unit] FIELD ENFORCEMENT DIVISION:

10                   (i)     shall advise a State's Attorney and law enforcement officers  
11 about enforcement problems; and

12                   (ii)     otherwise may work cooperatively with law enforcement officers  
13 and prosecutors to carry out the duties of the unit.

14           (3)     This subsection does not restrict the appropriation of money by a  
15 political subdivision of the State to aid in the enforcement of the alcoholic beverage  
16 tax and tobacco tax laws.

17       (d)     (1)     Each unit of the State government shall cooperate with the  
18 Comptroller's Office by making available, on request, any information in the unit's  
19 possession as may be of assistance in the administration and enforcement of the  
20 motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

21           (2)     The [Investigative Services Unit] FIELD ENFORCEMENT DIVISION  
22 shall cooperate with and help the federal government, other states, and local  
23 governments and law enforcement personnel of those jurisdictions to enforce the  
24 motor carrier tax, motor fuel tax, and motor fuel and lubricants laws.

25     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
26 effect July 1, 2000.