

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

House Bill 410

(Delegates Ports and Redmer)

Judiciary

Judicial Proceedings

Department of State Police - Exercise of Powers in Baltimore City

This bill grants the Department of State Police authority to exercise its powers in Baltimore City.

Fiscal Summary

State Effect: None. The Department of State Police does not anticipate any fiscal impact from expansion of its jurisdiction under this bill. Any expansion of enforcement activities leading to additional expenditures would depend on the scale of involvement and would have to be justified through the normal State budgeting process.

Local Effect: None. Baltimore City advises that its finances would not be directly affected.

Small Business Effect: None.

Analysis

Current Law: The State Police are empowered throughout the State with the same common law powers, privileges, immunities, and defenses that sheriffs, constables, police officers, and other peace officers have and may exercise within their respective jurisdictions. Any warrant of arrest may be executed by a State trooper in any part of the State without further endorsement.

Background: Approximately 250 State troopers live within Baltimore City. By statute, the State Police may not act within the limits of any incorporated municipality which maintains a police force except:

- when in pursuit of an offender or suspected offender;
- when in search of an offender or suspected offender wanted for a crime committed outside of the limits of the municipality, or when interviewing or seeking to interview a witness or supposed witness to such a crime;
- when a crime is committed in the presence of the police employee, the arrested party must be immediately transferred to the custody of the local law enforcement agency;
- when requested to act by the chief executive officer or the chief police officer of the municipality;
- when ordered by the Governor to act within the municipality;
- except in Baltimore City, when enforcing the motor vehicle laws of this State;
- in Baltimore City, only when enforcing Title 23 (Vehicle Laws - Inspection of Used Vehicles and Warnings for Defective Equipment) of the Transportation Article;
- in any building or place when ordered by either the President of the Senate or the Speaker of the House of Delegates, to guard the safety of legislators or the integrity of the legislative process;
- to protect the safety of an elected State official;
- in the municipalities of Somerset County;
- when enforcing child pornography provisions;
- when:
 - participating in a joint investigation with officials from any other State, federal, or local law enforcement agency at least one of which must have local jurisdiction;
 - rendering assistance to a police officer;
 - acting at the request of a local police officer; or
 - an emergency exists; and
 - when acting in accordance with applicable regulations adopted by the Secretary;
- when conducting investigations relating to or otherwise enforcing the provisions relating to unauthorized access to computers.

No State trooper may be placed on detached service and act for any federal department, agency, or committee outside of the State of Maryland without the written approval of the Governor or as otherwise provided by law.

The term “incorporated municipality” as used above means the territory within the limits of an incorporated city or town within any county or of Baltimore City.

Additional Information

Prior Introductions: In 1996 a similar bill, HB 418, received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2002
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