

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 139

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Police Officers -”; in the same line, after “Park Police” insert “- Authority to Enforce Maryland Law in National Park System”; strike beginning with “adding” in line 3 down through “State” in line 7 and substitute “granting a United States Park Police officer certain powers to enforce Maryland law within areas of the National Park System; authorizing a United States Park Police officer to issue a citation under certain circumstances; requiring the United States Park Police to reimburse the District Court for the printing of certain citation forms; and generally relating to the authority of the United States Park Police”; in line 10, strike “2-101(a) and 2-102(b)” and substitute “2-104”; after line 12, insert:

“BY adding to

Article - Criminal Procedure

Section 2-104.1

Annotated Code of Maryland

(2001 Volume and 2003 Supplement)”;

in line 15, strike “2-101(c)” and substitute “4-101”; and strike in their entirety lines 21 through 26, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 33, inclusive.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 1 through 24, inclusive, and substitute:

“2-104.

(Over)

(a) In this section, “federal law enforcement officer” means an officer who may:
(1) make an arrest with or without a warrant for violations of the United States Code; and

(2) carry firearms in the performance of the officer’s duties.

(b) (1) Subject to the limitations of paragraph (2) of this subsection, a federal law enforcement officer may:

(i) make arrests as set forth in Subtitle 2 of this title; and

(ii) execute arrest and search and seizure warrants issued under the laws of the State.

(2) A federal law enforcement officer may exercise the powers granted by this subsection when:

(i) the federal law enforcement officer is participating in a joint investigation with officials from a State or local law enforcement unit;

(ii) the federal law enforcement officer is rendering assistance to a police officer;

(iii) the federal law enforcement officer is acting at the request of a local police officer or State Police officer; or

(iv) an emergency exists.

(c) (1) A federal law enforcement officer who acts under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

(i) 1. the chief of police, if any, or chief’s designee, when in a municipal corporation;

2. the police commissioner or police commissioner’s designee, when in Baltimore City;

3. the chief of police or chief’s designee, when in a county with a county police department, except Baltimore City;

4. the sheriff or sheriff's designee, when in a county without a county police department;

5. the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

6. the respective chief of police or chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

(ii) the Department of State Police barrack commander or commander's designee, unless there is an agreement otherwise with the Department of State Police.

(2) When the federal law enforcement officer participates in a joint investigation with officials from a State or local law enforcement unit, the federal law enforcement officer shall give the notice required under paragraph (1) of this subsection reasonably in advance.

(d) A federal law enforcement officer who acts under the authority granted by this section:

(1) has the same legal status as a police officer;

(2) has the same protections as a police officer under § 2-608 of the Courts Article with regard to charging documents against police officers; and

(3) has the same immunity from liability described in § 5-611 of the Courts Article.

(e) This section does not impose liability on or require indemnification by the State or a local subdivision for an act performed by a federal law enforcement officer under this section.

2-104.1.

A UNITED STATES PARK POLICE OFFICER MAY MAKE ARRESTS, CONDUCT INVESTIGATIONS, ISSUE CITATIONS, AND OTHERWISE ENFORCE THE LAWS OF THE STATE WITHIN AREAS OF THE NATIONAL PARK SYSTEM.

4-101.

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

(2) (i) “Citation” means a written charging document that a police officer or fire marshal issues to a defendant, alleging the defendant has committed a crime.

(ii) “Citation” does not include an indictment, information, or statement of charges.

(3) “Fire Marshal” means:

(i) the State Fire Marshal;

(ii) a Deputy State Fire Marshal; or

(iii) as designated under § 6-304 of the Public Safety Article:

1. an Assistant State Fire Marshal; or

2. a Special Assistant State Fire Marshal.

(4) “Police officer” has the meaning stated in § 2-101 of this article.

(b) WITHIN AREAS OF THE NATIONAL PARK SYSTEM, A UNITED STATES PARK POLICE OFFICER MAY EXERCISE THE AUTHORITY OF A POLICE OFFICER TO ISSUE A CITATION UNDER THIS SECTION.

(C) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a police officer may issue a citation for:

(i) sale of an alcoholic beverage to an underage drinker or intoxicated person under Article 2B, § 12-108 of the Code;

(ii) malicious destruction of property under § 6-301 of the Criminal Law Article, if the amount of damage to the property is less than \$500;

(iii) disturbing the peace or disorderly conduct under § 10-201 of the Criminal Law Article; or

(iv) misdemeanor theft under § 7-104(g)(2) of the Criminal Law Article.

(2) A police officer may issue a citation to a defendant if the [police] officer is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

~~[(c)]~~ (D) (1) Subject to paragraph (2) of this subsection, in addition to any other law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

(i) discharging fireworks without a permit under § 10-104 or § 10-110 of the Public Safety Article;

(ii) possessing with intent to discharge or allowing the discharge of fireworks under § 10-104 or § 10-110 of the Public Safety Article; or

(iii) maintaining a fire hazard under § 6-317 of the Public Safety Article.

(2) A fire marshal may issue a citation if the fire marshal is satisfied with the defendant's evidence of identity and reasonably believes that the defendant will comply with the citation.

~~[(d)]~~ (E) (1) This section does not apply to a citation that is:

(i) authorized for a violation of a parking ordinance or a regulation adopted by a State unit or political subdivision of the State under Title 26, Subtitle 3 of the Transportation Article;

(ii) authorized by the Department of Natural Resources under § 1-205 of the Natural Resources Article; or

(iii) authorized by Baltimore City under § 16-16A (special enforcement officers) of the Code of Public Local Laws of Baltimore City for violation of a code, ordinance, or public local law of Baltimore City concerning building, housing, health, fire, safety, zoning, or sanitation.

(2) Except as otherwise expressly provided by law, the Chief Judge of the District Court shall prescribe a uniform, statewide form of a citation.

(3) Except for the uniform motor vehicle citation form, the law enforcement agencies of the State, THE UNITED STATES PARK POLICE, and the Office of the State Fire Marshal shall reimburse the District Court for printing the citation forms that law enforcement officers and the Fire Marshal require.”.