

HOUSE BILL 206

Unofficial Copy
E2

2004 Regular Session
(41r0694)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Dumais, Anderson, Barkley, Feldman, Goldwater,
Hennessy, Kaiser, King, Lee, McComas, Murray, Petzold, Quinter, F.
Turner, Vallario, and Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure - ~~Police Officers~~ - United States Park Police - Authority**
3 **to Enforce Maryland Law in National Park System**

4 FOR the purpose of ~~adding members of the United States Park Police to the list of~~
5 ~~police officers authorized to make arrests, conduct investigations, and otherwise~~
6 ~~enforce State law with a certain exception throughout the State without~~
7 ~~limitations as to jurisdiction; and generally relating to police officers in the~~
8 ~~State~~ granting a United States Park Police officer certain powers to enforce
9 Maryland law within areas of the National Park System; authorizing a United
10 States Park Police officer to issue a citation under certain circumstances;
11 requiring the United States Park Police to reimburse the District Court for the
12 printing of certain citation forms; and generally relating to the authority of the
13 United States Park Police.

14 BY repealing and reenacting, without amendments,

1 Article - Criminal Procedure
 2 Section ~~2-101(a) and 2-102(b)~~ 2-104
 3 Annotated Code of Maryland
 4 (2001 Volume and 2003 Supplement)

5 BY adding to
 6 Article - Criminal Procedure
 7 Section 2-104.1
 8 Annotated Code of Maryland
 9 (2001 Volume and 2003 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article - Criminal Procedure
 12 Section ~~2-101(e)~~ 4-101
 13 Annotated Code of Maryland
 14 (2001 Volume and 2003 Supplement)

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

17 **Article - Criminal Procedure**

18 ~~2-101.~~

19 (a) ~~In this title the following words have the meanings indicated.~~

20 (e) ~~"Police officer" means a person who in an official capacity is authorized by~~
 21 ~~law to make arrests and is:~~

22 (1) ~~a member of the Department of State Police;~~

23 (2) ~~a member of the Police Department of Baltimore City;~~

24 (3) ~~a member of the Baltimore City School Police Force;~~

25 (4) ~~a member of the police department, bureau, or force of a county;~~

26 (5) ~~a member of the police department, bureau, or force of a municipal~~
 27 ~~corporation;~~

28 (6) ~~a member of the Maryland Transit Administration Police Force,~~
 29 ~~Maryland Port Administration Police Force, or Maryland Transportation Authority~~
 30 ~~Police Force;~~

31 (7) ~~a member of the University of Maryland Police Force or Morgan State~~
 32 ~~University Police Force;~~

- 1 (8) a special police officer who is appointed to enforce the law and
2 maintain order on or protect property of the State or any of its units;
- 3 (9) a member of the Department of General Services security force;
- 4 (10) the sheriff of a county whose usual duties include the making of
5 arrests;
- 6 (11) a regularly employed deputy sheriff of a county who is compensated
7 by the county and whose usual duties include the making of arrests;
- 8 (12) a member of the Natural Resources Police Force of the Department of
9 Natural Resources;
- 10 (13) an authorized employee of the Field Enforcement Division of the
11 Comptroller's Office;
- 12 (14) a member of the Maryland National Capital Park and Planning
13 Commission Park Police;
- 14 (15) a member of the Housing Authority of Baltimore City Police Force;
- 15 (16) a member of the Crofton Police Department;
- 16 (17) a member of the WMATA Metro Transit Police, subject to the
17 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
18 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation
19 Article;
- 20 (18) a member of the Internal Investigative Unit of the Department;
- 21 (19) a member of the State Forest and Park Service Police Force of the
22 Department of Natural Resources;
- 23 (20) a member of the Department of Labor, Licensing, and Regulation
24 Police Force; ~~or~~
- 25 (21) a member of the Washington Suburban Sanitary Commission Police
26 Force; OR
- 27 (22) A MEMBER OF THE UNITED STATES PARK POLICE.

28 ~~2-102.~~

29 (b) (1) Subject to the limitations of paragraph (3) of this subsection, a police
30 officer may make arrests, conduct investigations, and otherwise enforce the laws of
31 the State throughout the State without limitations as to jurisdiction.

32 (2) This section does not authorize a police officer who acts under the
33 authority granted by this section to enforce the Maryland Vehicle Law beyond the
34 police officer's sworn jurisdiction.

- 1 (3) A police officer may exercise the powers granted by this section when:
- 2 (i) 1. ~~the police officer is participating in a joint investigation~~
 3 ~~with officials from another State, federal, or local law enforcement unit, at least one~~
 4 ~~of which has local jurisdiction;~~
- 5 2. ~~the police officer is rendering assistance to another police~~
 6 ~~officer;~~
- 7 3. ~~the police officer is acting at the request of a police officer~~
 8 ~~or State Police officer; or~~
- 9 4. ~~an emergency exists; and~~
- 10 (ii) ~~the police officer is acting in accordance with regulations~~
 11 ~~adopted by the police officer's employing unit to carry out this section.~~

12 (4) ~~The powers granted by this section are in addition to the powers~~
 13 ~~granted by §§ 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and~~
 14 ~~to the powers of fresh pursuit granted by Subtitle 3 of this title.~~

15 2-104.

16 (a) In this section, "federal law enforcement officer" means an officer who
 17 may:

18 (1) make an arrest with or without a warrant for violations of the United
 19 States Code; and

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

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

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

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

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

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

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

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

1 (iv) an emergency exists.

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

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

7 2. the police commissioner or police commissioner's designee,
8 when in Baltimore City;

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

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

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

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

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

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

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

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

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

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

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

1 2-104.1.

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

5 4-101.

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

7 (2) (i) "Citation" means a written charging document that a police
8 officer, ~~UNITED STATES PARK POLICE OFFICER,~~ or fire marshal issues to a defendant,
9 alleging the defendant has committed a crime.

10 (ii) "Citation" does not include an indictment, information, or
11 statement of charges.

12 (3) "Fire marshal" means:

13 (i) the State Fire Marshal;

14 (ii) a Deputy State Fire Marshal; or

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

16 1. an Assistant State Fire Marshal; or

17 2. a Special Assistant State Fire Marshal.

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

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

22 (b) (C) (1) Subject to paragraph (2) of this subsection, in addition to any
23 other law allowing a crime to be charged by citation, a police officer ~~OR UNITED~~
24 STATES PARK POLICE OFFICER may issue a citation for:

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

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

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

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

1 (2) A police officer ~~OR UNITED STATES PARK POLICE OFFICER~~ may issue
2 a citation to a defendant if the [police] officer is satisfied with the defendant's
3 evidence of identity and reasonably believes that the defendant will comply with the
4 citation.

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

8 (i) discharging fireworks without a permit under § 10-104 or §
9 10-110 of the Public Safety Article;

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

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

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

17 ~~(e)~~ (E) (1) This section does not apply to a citation that is:

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

21 (ii) authorized by the Department of Natural Resources under §
22 1-205 of the Natural Resources Article; or

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

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

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2004.

