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Ву: <b>D</b>	By: Delegates Dumais, Anderson, Barkley, Feldman, Goldwater, Hennessy, Kaiser, King, Lee, McComas, Murray, Petzold, Quinter, F. Turner, Vallario, and Zirkin					
Introduced and read first time: January 22, 2004						
Assign	Assigned to: Judiciary					
Comn	Committee Report: Favorable with amendments					
	e action: Adopted					
	second time: March 16, 2004					
	CHAPTER					
1 A	N ACT concerning					
2	Cuiminal Proceedures Police Officers United States Poul Police Authority					
3	Criminal Procedure - Police Officers - United States Park Police <u>- Authority</u> to Enforce Maryland Law in National Park System					
4 E	OD the summan of adding members of the United States Doub Daling to the list of					
4 F	OR the purpose of adding members of the United States Park Police to the list of 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	<u>United States Park Police</u> .					
14 E	BY repealing and reenacting, without amendments,					
15	Article - Criminal Procedure					
16	Section 2 101(a) and 2 102(b) 2-104					
17	Annotated Code of Maryland					
18	(2001 Volume and 2003 Supplement)					
	BY adding to					
20	Article - Criminal Procedure					
21	<u>Section 2-104.1</u>					
22	Annotated Code of Maryland					
23	(2001 Volume and 2003 Supplement)					

1 2 3 4 5	BY repealing and reenacting, with amendments, Article - Criminal Procedure Section 2-101(e) 4-101 Annotated Code of Maryland (2001 Volume and 2003 Supplement)					
6 7	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
8			Article - Criminal Procedure			
9	<del>2 101.</del>					
10	<del>(a)</del>	In this ti	tle the following words have the meanings indicated.			
11 12	(c) law to make		officer" means a person who in an official capacity is authorized by nd is:			
13		<del>(1)</del>	a member of the Department of State Police;			
14		<del>(2)</del>	a member of the Police Department of Baltimore City;			
15		<del>(3)</del>	a member of the Baltimore City School Police Force;			
16		(4)	a member of the police department, bureau, or force of a county;			
17 18	corporation;	<del>(5)</del>	a member of the police department, bureau, or force of a municipal			
	Maryland Police Force		a member of the Maryland Transit Administration Police Force, nistration Police Force, or Maryland Transportation Authority			
22 23	University P	<del>(7)</del> Police For	a member of the University of Maryland Police Force or Morgan State ree;			
24 25	maintain ord	<del>(8)</del> ler on or	a special police officer who is appointed to enforce the law and protect property of the State or any of its units;			
26		<del>(9)</del>	a member of the Department of General Services security force;			
27 28	arrests;	(10)	the sheriff of a county whose usual duties include the making of			
29 30	by the count	<del>(11)</del> y and wh	a regularly employed deputy sheriff of a county who is compensated to usual duties include the making of arrests;			
31 32	Natural Rese	(12) ources;	a member of the Natural Resources Police Force of the Department of			

2	(13) Comptroller's Office		mployee of the Field Enforcement Division	on of the
3	(14) Commission Park Po		e Maryland-National Capital Park and Pla	<del>nnning</del>
5	<del>(15)</del>	a member of the	e Housing Authority of Baltimore City Pe	olice Force;
6	<del>(16)</del>	a member of the	e Crofton Police Department;	
9		ions under Article	e WMATA Metro Transit Police, subject XVI, § 76 of the Washington Metropolit ch is codified at § 10-204 of the Transpor	<del>an</del>
11	<del>(18)</del>	a member of the	e Internal Investigative Unit of the Depar	t <del>ment;</del>
12 13	(19) Department of Natu		e State Forest and Park Service Police Fo	rce of the
14 15	(20) Police Force; [or]	a member of the	e Department of Labor, Licensing, and Ro	<del>egulation</del>
16 17	Force; OR	a member of the	e Washington Suburban Sanitary Commi	ssion Police
18	<del>(22)</del>	A MEMBER O	F THE UNITED STATES PARK POLIC	<del>E.</del>
19	<del>2-102.</del>			
	officer may make a	rrests, conduct inv	imitations of paragraph (3) of this subsect restigations, and otherwise enforce the law t limitations as to jurisdiction.	
	authority granted by police officer's swo	y this section to en	es not authorize a police officer who acts force the Maryland Vehicle Law beyond	
26	<del>(3)</del>	A police officer	may exercise the powers granted by this	section when:
	with officials from of which has local j		the police officer is participating in a justifier all, or local law enforcement unit, at least	
30 31	officer;	<del>2.</del>	the police officer is rendering assistance	ee to another police
32 33	or State Police office	<del>3.</del> eer; or	the police officer is acting at the reque	st of a police officer
34		<del>4.</del>	an emergency exists; and	

1 2	adopted by the polic	<del>(ii)</del> e officer's		ce officer is acting in accordance with regulations ng unit to carry out this section.
		<del>, 5-802, 5</del>	807, 5 8	ted by this section are in addition to the powers 08, and 5-901 of the Criminal Law Article and y Subtitle 3 of this title.
6	<u>2-104.</u>			
7 8	(a) In this may:	section, "	federal la	w enforcement officer" means an officer who
9 10	(1) States Code; and	make a	n arrest w	vith or without a warrant for violations of the United
11	<u>(2)</u>	carry fi	rearms in	the performance of the officer's duties.
12 13	(b) (1) federal law enforcer			nitations of paragraph (2) of this subsection, a
14		<u>(i)</u>	make a	rests as set forth in Subtitle 2 of this title; and
15 16	the laws of the State	( <u>ii)</u>	execute	arrest and search and seizure warrants issued under
17 18	this subsection when		al law en	forcement officer may exercise the powers granted by
19 20	investigation with o	(i) fficials fro		eral law enforcement officer is participating in a joint e or local law enforcement unit;
21 22	police officer;	<u>(ii)</u>	the fede	eral law enforcement officer is rendering assistance to a
23 24	local police officer	(iii) or State P		eral law enforcement officer is acting at the request of a cer; or
25		<u>(iv)</u>	an emer	gency exists.
	(c) (1) granted by this section enforcement action:	on shall n		forcement officer who acts under the authority following persons of an investigation or
29 30	municipal corporati	( <u>i)</u> on;	<u>1.</u>	the chief of police, if any, or chief's designee, when in a
31 32	when in Baltimore	City;	<u>2.</u>	the police commissioner or police commissioner's designee
33 34	with a county police	e departm	3. ent, excep	the chief of police or chief's designee, when in a county of Baltimore City;

1 2	a county police department;	<u>4.</u>	the sheriff or sheriff's designee, when in a county without
			the Secretary of Natural Resources or Secretary's used, operated by, or under the control of the
8	property owned, leased, operate		the respective chief of police or chief's designee, when on r under the control of the Maryland viation Administration, or Maryland Port
	<u> </u>		partment of State Police barrack commander or an agreement otherwise with the Department
15	investigation with officials from	n a Stat he noti	al law enforcement officer participates in a joint te or local law enforcement unit, the federal law ce required under paragraph (1) of this
17 18	(d) A federal law enfo	orcemei	nt officer who acts under the authority granted by
19	(1) has the sa	ame leg	al status as a police officer;
20 21			otections as a police officer under § 2-608 of the documents against police officers; and
22 23	(3) has the sa	me im	munity from liability described in § 5-611 of the
			pose liability on or require indemnification by the performed by a federal law enforcement officer
27	<u>2-104.1.</u>		
		ITATIO	ICE OFFICER MAY MAKE ARRESTS, CONDUCT ONS, AND OTHERWISE ENFORCE THE LAWS OF THE ATIONAL PARK SYSTEM.
31	<u>4-101.</u>		
32	(a) (1) <u>In this se</u>	ction th	ne following words have the meanings indicated.
		RK PO	on" means a written charging document that a police LICE OFFICER, or fire marshal issues to a defendant, a crime.

1 2	statement of charges.	<u>(ii)</u>	"Citation" does not include an indictment, information, or		
3	<u>(3)</u>	"Fire ma	Fire marshal" means:		
4		<u>(i)</u>	the State Fire Marshal;		
5		<u>(ii)</u>	a Deputy State Fire Marshal; or		
6		<u>(iii)</u>	as designated under § 6-304 of the Public Safety Article:		
7			1. an Assistant State Fire Marshal; or		
8			2. a Special Assistant State Fire Marshal.		
9	<u>(4)</u>	"Police o	officer" has the meaning stated in § 2-101 of this article.		
	(b) (1) law allowing a crime PARK POLICE OFF	to be cha	to paragraph (2) of this subsection, in addition to any other arged by citation, a police officer OR UNITED STATES by issue a citation for:		
13 14	intoxicated person ur	(i) ider Artic	sale of an alcoholic beverage to an underage drinker or ele 2B, § 12-108 of the Code;		
15 16	Law Article, if the an	(ii) nount of o	malicious destruction of property under § 6-301 of the Criminal damage to the property is less than \$500;		
17 18	17 (iii) disturbing the peace or disorderly conduct under § 10-201 of 18 the Criminal Law Article; or				
19 20	Article.	<u>(iv)</u>	misdemeanor theft under § 7-104(g)(2) of the Criminal Law		
23	21 (2) A police officer OR UNITED STATES PARK POLICE OFFICER may issue 22 a citation to a defendant if the [police] officer is satisfied with the defendant's 23 evidence of identity and reasonably believes that the defendant will comply with the 24 citation.				
			to paragraph (2) of this subsection, in addition to any other arged by citation, a fire marshal may issue a citation for:		
27 28	<u>10-110 of the Public</u>	<u>(i)</u> Safety Aı	discharging fireworks without a permit under § 10-104 or § rticle;		
29 30	fireworks under § 10	( <u>ii)</u> -104 or §	possessing with intent to discharge or allowing the discharge of 10-110 of the Public Safety Article; or		
31 32	Article.	(iii)	maintaining a fire hazard under § 6-317 of the Public Safety		

	with the defendant's will comply with the	A fire marshal may issue a citation if the fire marshal is satisfied evidence of identity and reasonably believes that the defendant citation.
4	<u>(d)</u> <u>(1)</u>	This section does not apply to a citation that is:
	adopted by a State upof the Transportation	(i) authorized for a violation of a parking ordinance or a regulation nit or political subdivision of the State under Title 26, Subtitle 3  Article;
8 9	1-205 of the Natural	(ii) authorized by the Department of Natural Resources under § Resources Article; or
10 11 12 13	of a code, ordinance	(iii) authorized by Baltimore City under § 16-16A (special s) of the Code of Public Local Laws of Baltimore City for violation or public local law of Baltimore City concerning building, safety, zoning, or sanitation.
14 15	(2) District Court shall	Except as otherwise expressly provided by law, the Chief Judge of the prescribe a uniform, statewide form of a citation.
16 17 18 19	of the State Fire Ma	Except for the uniform motor vehicle citation form, the law es of the State, THE UNITED STATES PARK POLICE, and the Office rishal shall reimburse the District Court for printing the citation ecement officers and the Fire Marshal require.
20 21		ND BE IT FURTHER ENACTED, That this Act shall take effect