

SENATE BILL 139

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2004 Regular Session
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By: **Senators Garagiola, Brochin, and Giannetti**
Introduced and read first time: January 23, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2004

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,
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)

19 BY adding to
20 Article - Criminal Procedure
21 Section 2-104.1
22 Annotated Code of Maryland
23 (2001 Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,

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

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

7 **Article - Criminal Procedure**

8 ~~2-101.~~

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

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

12 (1) a member of the Department of State Police;

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

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

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

16 (5) a member of the police department, bureau, or force of a municipal
 17 corporation;

18 (6) a member of the Maryland Transit Administration Police Force,
 19 Maryland Port Administration Police Force, or Maryland Transportation Authority
 20 Police Force;

21 (7) a member of the University of Maryland Police Force or Morgan State
 22 University Police Force;

23 (8) a special police officer who is appointed to enforce the law and
 24 maintain order on or protect property of the State or any of its units;

25 (9) a member of the Department of General Services security force;

26 (10) the sheriff of a county whose usual duties include the making of
 27 arrests;

28 (11) a regularly employed deputy sheriff of a county who is compensated
 29 by the county and whose usual duties include the making of arrests;

30 (12) a member of the Natural Resources Police Force of the Department of
 31 Natural Resources;

1 (ii) ~~the police officer is acting in accordance with regulations~~
2 ~~adopted by the police officer's employing unit to carry out this section.~~

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

6 2-104.

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

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

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

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

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

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

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

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

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

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

25 (iv) an emergency exists.

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

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

31 2. the police commissioner or police commissioner's designee,
32 when in Baltimore City;

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

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

3 (3) "Fire Marshal" means:

4 (i) the State Fire Marshal;

5 (ii) a Deputy State Fire Marshal; or

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

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

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

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

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

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

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

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

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

29 (i) discharging fireworks without a permit under § 10-104 or §
 30 10-110 of the Public Safety Article;

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

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

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

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

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

10 (ii) authorized by the Department of Natural Resources under §
11 1-205 of the Natural Resources Article; or

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

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

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

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