
By: **Delegates Bozman and Conway**

Introduced and read first time: January 26, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Ocean Pines Police Department**

3 FOR the purpose of codifying provisions relating to the Ocean Pines Police
4 Department; specifying that the Ocean Pines Police Department is not an
5 agency of Worcester County; specifying that Worcester County is not responsible
6 for certain acts or omissions; specifying the powers and the duties of the Ocean
7 Pines Police Department; requiring the Maryland Police Training Commission,
8 or a certain designee, to adopt certain standards; requiring that those members
9 of the Ocean Pines Police Department who meet the requirements of the Police
10 Training Commission shall be certified by the Commission; requiring the Board
11 of Directors of Ocean Pines Association, Incorporated, to adopt certain rules;
12 providing for the method of appointment, qualifications, duties, and
13 responsibilities of the Chief of Police of the Ocean Pines Police Department;
14 providing for the method of funding for the Ocean Pines Police Department;
15 including the members of the Ocean Pines Police Department in the defined
16 term "law enforcement officer" in connection with provisions of law relating to
17 powers of warrantless arrest, notice of contact with certain diseases, and the
18 Law Enforcement Officer's Bill of Rights; and generally relating to the powers
19 and rights of the officers of the Ocean Pines Police Department.

20 BY adding to
21 Article 26 - Miscellaneous Governmental Entities
22 Section 6
23 Annotated Code of Maryland
24 (2001 Replacement Volume and 2004 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Criminal Procedure
27 Section 2-101(c)
28 Annotated Code of Maryland
29 (2001 Volume and 2004 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Health - General

1 Section 18-213(a)(3)
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Public Safety
6 Section 3-101(e)(1) and 3-201(e)(1)
7 Annotated Code of Maryland
8 (2003 Volume and 2004 Supplement)

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

11 **Article 26 - Miscellaneous Governmental Entities**

12 6.

13 (A) (1) THERE IS AN OCEAN PINES POLICE DEPARTMENT.

14 (2) THE DEPARTMENT IS:

15 (I) ESTABLISHED TO PROVIDE PROTECTION FOR THE OCEAN
16 PINES COMMUNITY IN WORCESTER COUNTY; AND

17 (II) CHARGED WITH THE RESPONSIBILITY OF ENFORCING THE
18 APPLICABLE LAWS, ORDINANCES, AND REGULATIONS OF THE STATE AND
19 WORCESTER COUNTY.

20 (3) THE DEPARTMENT IS NOT AN AGENCY OF WORCESTER COUNTY, AND
21 ITS OFFICERS, EMPLOYEES, AND AGENTS ARE NOT OFFICERS, EMPLOYEES, OR
22 AGENTS OF THE COUNTY. WORCESTER COUNTY IS NOT RESPONSIBLE FOR THE ACTS
23 OR OMISSIONS OF THE DEPARTMENT, ITS OFFICERS, EMPLOYEES, OR AGENTS.

24 (B) (1) A MEMBER OF THE OCEAN PINES POLICE DEPARTMENT HAS ALL THE
25 POWERS GRANTED TO A PEACE OFFICER AND A POLICE OFFICER OF THIS STATE.
26 THESE POWERS MAY BE EXERCISED ONLY ON PROPERTY WITHIN THE OCEAN PINES
27 COMMUNITY AND NOT ON ANY OTHER PROPERTY UNLESS:

28 (I) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;

29 (II) SPECIALLY REQUESTED OR PERMITTED TO DO SO IN A
30 POLITICAL SUBDIVISION BY ITS CHIEF EXECUTIVE OFFICER OR ITS CHIEF POLICE
31 OFFICER;

32 (III) BY AGREEMENT WITH ANOTHER LAW ENFORCEMENT AGENCY;
33 OR

34 (IV) ORDERED TO DO SO BY THE GOVERNOR.

1 (2) (I) MEMBERS OF THE OCEAN PINES POLICE DEPARTMENT HAVE
2 CONCURRENT JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE
3 LAW ENFORCEMENT AGENCIES OF THE STATE AND OF WORCESTER COUNTY.

4 (II) NOTHING CONTAINED IN THIS SECTION RELIEVES THE STATE
5 OR THE COUNTY FROM A DUTY TO PROVIDE POLICE, FIRE, AND OTHER PUBLIC
6 SAFETY SERVICE AND PROTECTION OR AFFECTS THE JURISDICTION OF OTHER
7 POLICE, FIRE, AND PUBLIC SAFETY AGENCIES.

8 (C) THE MARYLAND POLICE TRAINING COMMISSION SHALL ADOPT OR MAY
9 DELEGATE TO THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION THE
10 AUTHORITY TO ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF
11 CHARACTER, TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND
12 EXPERIENCE FOR THE OCEAN PINES POLICE DEPARTMENT, INCLUDING STANDARDS
13 FOR THE PERFORMANCE OF THEIR DUTIES.

14 (D) (1) THE BOARD OF DIRECTORS OF THE OCEAN PINES ASSOCIATION,
15 INCORPORATED, SHALL ADOPT RULES GOVERNING THE OPERATION AND CONDUCT
16 OF THE OCEAN PINES POLICE DEPARTMENT, INCLUDING THE POLICE OFFICERS.

17 (2) THE RULES OF THE BOARD OF DIRECTORS CONCERNING POLICE
18 OFFICERS SHALL SUPPLEMENT ANY REGULATIONS OF THE MARYLAND POLICE
19 TRAINING COMMISSION.

20 (3) DISOBEDIENCE TO THE LAWFUL COMMANDS, RULES, OR
21 REGULATIONS OF THE MARYLAND POLICE TRAINING COMMISSION OR THE BOARD OF
22 DIRECTORS SHALL BE GROUNDS FOR DISCIPLINARY ACTION, INCLUDING REMOVAL.

23 (E) (1) THERE IS A CHIEF OF POLICE OF THE OCEAN PINES POLICE
24 DEPARTMENT.

25 (2) (I) THE CHIEF OF POLICE SHALL BE APPOINTED BY THE GENERAL
26 MANAGER OF THE OCEAN PINES ASSOCIATION.

27 (II) THE CHIEF SHALL BE EXPERIENCED IN THE COMMAND OF
28 UNIFORMED PATROLS AND THE DETECTION AND INVESTIGATION OF CRIME AND
29 SHALL BE SELECTED SOLELY ON THE BASIS OF QUALIFICATIONS FOR THE POSITION.

30 (3) (I) THE CHIEF OF POLICE SHALL BE RESPONSIBLE DIRECTLY TO
31 THE GENERAL MANAGER.

32 (II) ALL ORDERS TO THE POLICE DEPARTMENT FROM THE
33 GENERAL MANAGER SHALL BE DIRECTED THROUGH THE CHIEF OR THE DESIGNEE
34 OF THE CHIEF.

35 (4) (I) THE CHIEF OF POLICE SHALL COMMAND AND ADMINISTER THE
36 OCEAN PINES POLICE DEPARTMENT.

37 (II) THE DUTIES OF THE CHIEF SHALL INCLUDE:

1 1. BEING RESPONSIBLE FOR THE EFFICIENCY AND GOOD
2 CONDUCT OF THE DEPARTMENT;

3 2. OVERSEEING THE GENERAL OPERATION OF THE
4 DEPARTMENT;

5 3. HIRING EMPLOYEES AND APPOINTING OFFICERS,
6 SUBJECT TO THE APPROVAL OF THE GENERAL MANAGER; AND

7 4. DISCIPLINING EMPLOYEES AND OFFICERS.

8 (5) THE CHIEF OF POLICE SHALL SERVE AT THE PLEASURE OF THE
9 GENERAL MANAGER AND, SUBJECT TO THE APPROVAL OF THE BOARD OF DIRECTORS
10 OF THE OCEAN PINES ASSOCIATION, INCORPORATED, ACTING AS ADMINISTRATOR OF
11 THE OCEAN PINES COMMUNITY, MAY BE REMOVED BY THE GENERAL MANAGER.

12 (F) (1) FUNDING FOR THE OCEAN PINES POLICE DEPARTMENT SHALL COME
13 FROM REVENUE DERIVED FROM ASSESSMENTS LEVIED ON REAL PROPERTY
14 LOCATED IN THE OCEAN PINES COMMUNITY AND OTHER SOURCES, IF AVAILABLE.

15 (2) THE OCEAN PINES POLICE DEPARTMENT, OR THE BOARD OF
16 DIRECTORS OF THE OCEAN PINES ASSOCIATION, INCORPORATED, ACTING AS
17 ADMINISTRATOR OF THE OCEAN PINES COMMUNITY, MAY APPLY FOR, ACCEPT, AND
18 SPEND ANY GIFT OR GRANT FOR THE BENEFIT OR USE OF THE OCEAN PINES POLICE
19 DEPARTMENT FROM THE FEDERAL GOVERNMENT, ANY STATE AGENCY OR OFFICE,
20 ANY FOUNDATION, OR ANY OTHER PERSON.

21 **Article - Criminal Procedure**

22 2-101.

23 (c) "Police officer" means a person who in an official capacity is authorized by
24 law to make arrests and is:

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

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

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

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

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

31 (6) a member of the Maryland Transit Administration Police Force,
32 Maryland Port Administration Police Force, or Maryland Transportation Authority
33 Police Force;

1 (7) a member of the University of Maryland Police Force or Morgan State
2 University Police Force;

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

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

6 (10) the sheriff of a county whose usual duties include the making of
7 arrests;

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

10 (12) a member of the Natural Resources Police Force of the Department of
11 Natural Resources;

12 (13) an authorized employee of the Field Enforcement Division of the
13 Comptroller's Office;

14 (14) a member of the Maryland-National Capital Park and Planning
15 Commission Park Police;

16 (15) a member of the Housing Authority of Baltimore City Police Force;

17 (16) a member of the Crofton Police Department;

18 (17) a member of the WMATA Metro Transit Police, subject to the
19 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan
20 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation
21 Article;

22 (18) a member of the Internal Investigative Unit of the Department;

23 (19) a member of the State Forest and Park Service Police Force of the
24 Department of Natural Resources;

25 (20) a member of the Department of Labor, Licensing, and Regulation
26 Police Force; [or]

27 (21) a member of the Washington Suburban Sanitary Commission Police
28 Force; OR

29 (22) A MEMBER OF THE OCEAN PINES POLICE DEPARTMENT.

Article - Health - General

1
2 18-213.

3 (a) (3) "Law enforcement officer" means any person who, in an official
4 capacity, is authorized by law to make arrests and who is a member of one of the
5 following law enforcement agencies:

6 (i) The Department of State Police;

7 (ii) The Baltimore City Police Department;

8 (iii) The police department, bureau, or force of any county;

9 (iv) The police department, bureau, or force of any incorporated city
10 or town;

11 (v) The office of the sheriff of any county;

12 (vi) The police department, bureau, or force of any bicounty agency
13 or constituent institution of the University System of Maryland, Morgan State
14 University, St. Mary's College, or of any institution under the jurisdiction of the
15 Maryland Higher Education Commission;

16 (vii) The Maryland Transit Administration police force of the
17 Department of Transportation, the Maryland Transportation Authority Police Force,
18 and the Maryland Port Administration police force of the Department of
19 Transportation;

20 (viii) The law enforcement officers of the Department of Natural
21 Resources;

22 (ix) The Field Enforcement Division of the Comptroller's Office;

23 (x) The Crofton Police Department; [or]

24 (xi) The Internal Investigative Unit of the Department of Public
25 Safety and Correctional Services; OR

26 (XII) THE OCEAN PINES POLICE DEPARTMENT.

Article - Public Safety

27
28 3-101.

29 (e) (1) "Law enforcement officer" means an individual who:

30 (i) in an official capacity is authorized by law to make arrests; and

31 (ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the Baltimore City School Police Force;
4. the Baltimore City Watershed Police Force;
5. the police department, bureau, or force of a county;
6. the police department, bureau, or force of a municipal
7 corporation;
8. the office of the sheriff of a county;
9. the police department, bureau, or force of a bicounty
10 agency;
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Division of the Comptroller's
14 Office;
13. the Housing Authority of Baltimore City Police Force;
14. the Crofton Police Department;
15. the police force of the Department of Health and Mental
18 Hygiene;
16. the police force of the Department of General Services;
17. the police force of the Department of Labor, Licensing, and
21 Regulation;
18. the police forces of the University System of Maryland;
19. the police force of Morgan State University; [or]
20. the office of State Fire Marshal; OR
21. THE OCEAN PINES POLICE DEPARTMENT.

27 3-201.

28 (e) (1) "Police officer" means an individual who:

- 1 (i) is authorized to enforce the general criminal laws of the State;
2 and
- 3 (ii) is a member of one of the following law enforcement agencies:
- 4 1. the Department of State Police;
 - 5 2. the Police Department of Baltimore City;
 - 6 3. the police department, bureau, or force of a county;
 - 7 4. the police department, bureau, or force of a municipal
8 corporation;
 - 9 5. the Maryland Transit Administration police force;
 - 10 6. the Maryland Transportation Authority Police;
 - 11 7. the police forces of the University System of Maryland;
 - 12 8. the police force of Morgan State University;
 - 13 9. the office of the sheriff of a county;
 - 14 10. the police forces of the Department of Natural Resources;
 - 15 11. the police force of the Department of General Services;
 - 16 12. the police force of a State, county, or municipal corporation
17 if the special police officers are appointed under Subtitle 3 of this title;
 - 18 13. the Housing Authority of Baltimore City Police Force;
 - 19 14. the Baltimore City School Police Force;
 - 20 15. the Crofton Police Department;
 - 21 16. the police force of the Department of Labor, Licensing, and
22 Regulation; [or]
 - 23 17. the Washington Suburban Sanitary Commission Police
24 Force; OR
 - 25 18. THE OCEAN PINES POLICE DEPARTMENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2005.