
By: **Senator Frosh**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Department of State Police - Investigations of Deaths in or**
3 **Outside Correctional or Juvenile Facilities**

4 FOR the purpose of requiring the Department of State Police to investigate certain
5 deaths within or outside facilities operated by the Department of Juvenile
6 Services under certain circumstances; requiring the Department of State Police
7 to investigate certain deaths within or outside correctional facilities under
8 certain circumstances; and generally relating to the investigation of certain
9 deaths within or outside certain correctional and juvenile facilities.

10 BY adding to

11 Article 83C - Juvenile Services
12 Section 2-118.2
13 Annotated Code of Maryland
14 (2003 Replacement Volume and 2004 Supplement)

15 BY adding to

16 Article - Correctional Services
17 Section 9-602.1
18 Annotated Code of Maryland
19 (1999 Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Public Safety
22 Section 2-301(a)
23 Annotated Code of Maryland
24 (2003 Volume and 2004 Supplement)

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

1

Article 83C - Juvenile Services

2 2-118.2.

3 (A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR MODIFY THE DUTIES
4 OF ANY LAW ENFORCEMENT AGENCY.

5 (B) EXCEPT FOR A DEATH THAT OCCURS UNDER MEDICAL SUPERVISION AND
6 AS A RESULT OF NATURAL CAUSES, THE DEPARTMENT OF STATE POLICE SHALL
7 INVESTIGATE ANY DEATH OF A CHILD THAT OCCURS WHILE THE CHILD IS IN
8 CUSTODY OF THE DEPARTMENT WHETHER WITHIN OR OUTSIDE A FACILITY
9 OPERATED BY THE DEPARTMENT.

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Article - Correctional Services

11 9-602.1.

12 (A) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR MODIFY THE DUTIES
13 OF ANY LAW ENFORCEMENT AGENCY OR THE INTERNAL INVESTIGATIVE UNIT OF
14 THE DEPARTMENT AS PROVIDED IN § 10-701 OF THIS ARTICLE.

15 (B) EXCEPT FOR A DEATH THAT OCCURS UNDER MEDICAL SUPERVISION AND
16 AS A RESULT OF NATURAL CAUSES, THE DEPARTMENT OF STATE POLICE SHALL
17 INVESTIGATE ANY DEATH OF AN INMATE THAT OCCURS WHILE THE INMATE IS IN
18 THE CUSTODY OF THE DIVISION OF CORRECTION WHETHER WITHIN OR OUTSIDE A
19 CORRECTIONAL FACILITY.

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Article - Public Safety

21 2-301.

22 (a) (1) The Department has the general duty to safeguard the lives and
23 safety of all persons in the State, to protect property, and to assist in securing to all
24 persons the equal protection of the laws.

25 (2) Specifically, this duty includes the responsibility to:

26 (i) preserve the public peace;

27 (ii) detect and prevent the commission of crime;

28 (iii) enforce the laws and ordinances of the State, counties, and
29 municipal corporations;

30 (iv) apprehend and arrest criminals and those who violate or are
31 lawfully accused of violating the laws and ordinances of the State, counties, and
32 municipal corporations;

33 (v) preserve order at public places;

1 (vi) maintain the safe and orderly flow of traffic on public streets
2 and highways;

3 (vii) cooperate with and assist law enforcement agencies in carrying
4 out their respective duties; [and]

5 (VIII) INVESTIGATE ANY DEATH WITHIN OR OUTSIDE:

6 1. A CORRECTIONAL FACILITY AS PROVIDED IN § 9-602.1 OF
7 THE CORRECTIONAL SERVICES ARTICLE; OR

8 2. A FACILITY OPERATED BY THE DEPARTMENT OF
9 JUVENILE SERVICES AS PROVIDED IN ARTICLE 83C, § 2-118.2 OF THE CODE; AND

10 [(viii)] (IX) discharge the duties and responsibilities of the
11 Department with the dignity and in a manner that will inspire public confidence and
12 respect.

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