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By: **Senator Frosh**

Introduced and read first time: February 3, 2005

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

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; authorizing police employees to act within the limits of  
 9 certain municipal corporations when conducting certain investigations; and  
 10 generally relating to the investigation of certain deaths within or outside certain  
 11 correctional ~~and juvenile~~ facilities.

12 ~~BY adding to~~  
 13 ~~Article 83C - Juvenile Services~~  
 14 ~~Section 2-118.2~~  
 15 ~~Annotated Code of Maryland~~  
 16 ~~(2003 Replacement Volume and 2004 Supplement)~~

17 BY adding to  
 18 Article - Correctional Services  
 19 Section 9-602.1  
 20 Annotated Code of Maryland  
 21 (1999 Volume and 2004 Supplement)

22 BY repealing and reenacting, with amendments,  
 23 Article - Public Safety

1 Section 2-301(a) and 2-412  
2 Annotated Code of Maryland  
3 (2003 Volume and 2004 Supplement)

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

6 ~~Article 83C—Juvenile Services~~

7 ~~2-118.2.~~

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

10 ~~(B) EXCEPT FOR A DEATH THAT OCCURS UNDER MEDICAL SUPERVISION AND~~  
11 ~~AS A RESULT OF NATURAL CAUSES, THE DEPARTMENT OF STATE POLICE SHALL~~  
12 ~~INVESTIGATE ANY DEATH OF A CHILD THAT OCCURS WHILE THE CHILD IS IN~~  
13 ~~CUSTODY OF THE DEPARTMENT WHETHER WITHIN OR OUTSIDE A FACILITY~~  
14 ~~OPERATED BY THE DEPARTMENT.~~

15 **Article - Correctional Services**

16 9-602.1.

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

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

25 **Article - Public Safety**

26 2-301.

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

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

31 (i) preserve the public peace;

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

33 (iii) enforce the laws and ordinances of the State, counties, and  
34 municipal corporations;

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

4 (v) preserve order at public places;

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

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

9 (VIII) INVESTIGATE ANY DEATH WITHIN OR OUTSIDE:

10 ~~1. A CORRECTIONAL FACILITY AS PROVIDED IN § 9-602.1 OF~~  
 11 ~~THE CORRECTIONAL SERVICES ARTICLE; OR AND~~

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

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

17 2-412.

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

19 (2) "Emergency" means a sudden or unexpected happening or an  
 20 unforeseen combination of circumstances that calls for immediate action to protect  
 21 health, safety, welfare, or property from actual or threatened harm or from an  
 22 unlawful act.

23 (3) "Municipal corporation" includes Baltimore City.

24 (b) (1) Police employees have throughout the State the same powers,  
 25 privileges, immunities, and defenses as sheriffs, constables, police officers, and other  
 26 peace officers possessed at common law and may now or in the future exercise within  
 27 their respective jurisdictions.

28 (2) A police employee may execute an arrest warrant in any part of the  
 29 State without further endorsement.

30 (c) Police employees may not act within the limits of a municipal corporation  
 31 that maintains a police force except:

32 (1) when in pursuit of a criminal or suspect;

33 (2) when in search of a criminal or suspect wanted for a crime committed  
 34 outside of the limits of the municipal corporation or when interviewing or seeking to  
 35 interview a witness or supposed witness to the crime;

1           (3)     when a crime is committed in the presence of the police employee,  
2 and the arrested party must be immediately transferred to the custody of the local  
3 law enforcement agency;

4           (4)     when requested to act by the chief executive officer or chief police  
5 officer of the municipal corporation;

6           (5)     when ordered by the Governor to act within the municipal  
7 corporation;

8           (6)     when enforcing the motor vehicle laws of the State, except in  
9 Baltimore City;

10          (7)     in Baltimore City, only when enforcing Title 23 of the Transportation  
11 Article;

12          (8)     in any building or place when ordered by either the President of the  
13 Senate or the Speaker of the House of Delegates to guard the safety of legislators or  
14 the integrity of the legislative process;

15          (9)     to protect the safety of an elected State official;

16          (10)    in the municipal corporations of Somerset County;

17          (11)    when enforcing § 11-207 of the Criminal Law Article;

18          (12)    (i)     1.     when participating in a joint investigation with officials  
19 from another State, federal, or local law enforcement agency at least one of which has  
20 local jurisdiction;

21                                 2.     when rendering assistance to a police officer;

22                                 3.     when acting at the request of a local police officer; or

23                                 4.     when an emergency exists; and

24                                 (ii)    when acting in accordance with regulations adopted by the  
25 Secretary to implement this item; [or]

26          (13)    when conducting investigations relating to or otherwise enforcing §  
27 7-302 of the Criminal Law Article; OR

28          (14)    WHEN CONDUCTING AN INVESTIGATION UNDER § 9-602.1 OF THE  
29 CORRECTIONAL SERVICES ARTICLE.

30          (d)     A police employee may not be placed on detached service and act for a  
31 federal department, agency, or committee outside of the State without the written  
32 approval of the Governor or as otherwise provided by law.

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

