
By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Park Police of the Maryland-National Capital Park and Planning**
3 **Commission - Identity Fraud - Investigatory Authority**
4 **PG/MC 107-06**

5 FOR the purpose of providing statewide jurisdiction for the park police of the
6 Maryland-National Capital Park and Planning Commission investigating the
7 crime of fraudulent use of personal identifying information; specifying certain
8 limitations on the authority of the police; requiring certain notifications; and
9 generally relating to the authority of the park police of the Maryland-National
10 Capital Park and Planning Commission.

11 BY repealing and reenacting, without amendments,
12 Article - Criminal Law
13 Section 8-301(a), (b), (c), and (k)
14 Annotated Code of Maryland
15 (2002 Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Law
18 Section 8-301(i) and (j)
19 Annotated Code of Maryland
20 (2002 Volume and 2005 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Criminal Procedure
23 Section 2-102(b)
24 Annotated Code of Maryland
25 (2001 Volume and 2005 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article - Criminal Procedure

1 Section 2-102(c)
2 Annotated Code of Maryland
3 (2001 Volume and 2005 Supplement)

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

6 **Article - Criminal Law**

7 8-301.

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

9 (2) "Payment device number" has the meaning stated in § 8-213 of this
10 title.

11 (3) "Personal identifying information" means a name, address, telephone
12 number, driver's license number, Social Security number, place of employment,
13 employee identification number, mother's maiden name, bank or other financial
14 institution account number, date of birth, personal identification number, credit card
15 number, or other payment device number.

16 (b) A person may not knowingly, willfully, and with fraudulent intent possess,
17 obtain, or help another to possess or obtain any personal identifying information of an
18 individual, without the consent of the individual, in order to use, sell, or transfer the
19 information to get a benefit, credit, good, service, or other thing of value in the name
20 of the individual.

21 (c) A person may not knowingly and willfully assume the identity of another:

22 (1) to avoid identification, apprehension, or prosecution for a crime; or

23 (2) with fraudulent intent to:

24 (i) get a benefit, credit, good, service, or other thing of value; or

25 (ii) avoid the payment of debt or other legal obligation.

26 (i) (1) Notwithstanding any other law, a law enforcement officer of the
27 Maryland Transportation Authority Police, the Maryland Port Administration Police,
28 THE PARK POLICE OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
29 COMMISSION, or a municipal corporation or county may investigate violations of this
30 section throughout the State without any limitation as to jurisdiction and to the same
31 extent as a law enforcement officer of the Department of State Police.

32 (2) The authority granted in paragraph (1) of this subsection may be
33 exercised only in accordance with regulations that the Department of State Police
34 adopts.

1 (3) The regulations are not subject to Title 10, Subtitle 1 of the State
2 Government Article.

3 (4) The authority granted in paragraph (1) of this subsection may be
4 exercised only if an act related to the crime was committed in the investigating law
5 enforcement agency's jurisdiction or if the complaining witness resides in the
6 investigating law enforcement agency's jurisdiction.

7 (j) If action is taken under the authority granted in subsection (i) of this
8 section, notification of an investigation:

9 (1) in a municipal corporation, shall be made to the chief of police or
10 designee of the chief of police;

11 (2) in a county that has a county police department, shall be made to the
12 chief of police or designee of the chief of police;

13 (3) in a county without a police department, shall be made to the sheriff
14 or designee of the sheriff;

15 (4) in Baltimore City, shall be made to the Police Commissioner or the
16 Police Commissioner's designee; [and]

17 (5) on property owned, leased, or operated by or under the control of the
18 Maryland Transportation Authority, the Maryland Aviation Administration, or the
19 Maryland Port Administration, shall be made to the respective chief of police or the
20 chief's designee; AND

21 (6) ON PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE
22 CONTROL OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
23 COMMISSION, TO THE CHIEF OF POLICE OF THE MARYLAND-NATIONAL CAPITAL
24 PARK AND PLANNING COMMISSION FOR THE COUNTY IN WHICH THE PROPERTY IS
25 LOCATED.

26 (k) When acting under the authority granted in subsection (h) or (i) of this
27 section, a law enforcement officer:

28 (1) in addition to any other immunities and exemptions to which the
29 officer may be entitled, has the immunities from liability and exemptions accorded to
30 a law enforcement officer of the Department of State Police; but

31 (2) remains an employee of the officer's employing agency.

32 **Article - Criminal Procedure**

33 2-102.

34 (b) (1) Subject to the limitations of paragraph (3) of this subsection, a police
35 officer may make arrests, conduct investigations, and otherwise enforce the laws of
36 the State throughout the State without limitations as to jurisdiction.

1 (2) This section does not authorize a police officer who acts under the
2 authority granted by this section to enforce the Maryland Vehicle Law beyond the
3 police officer's sworn jurisdiction, unless the officer is acting under a mutual aid
4 agreement authorized under § 2-105 of this subtitle.

5 (3) A police officer may exercise the powers granted by this section when:

6 (i) 1. the police officer is participating in a joint investigation
7 with officials from another State, federal, or local law enforcement unit, at least one
8 of which has local jurisdiction;

9 2. the police officer is rendering assistance to another police
10 officer;

11 3. the police officer is acting at the request of a police officer
12 or State Police officer; or

13 4. an emergency exists; and

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

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

19 (c) (1) A police officer who acts under the authority granted by this section
20 shall notify the following persons of an investigation or enforcement action:

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

23 2. the Police Commissioner or Police Commissioner's
24 designee, when in Baltimore City;

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

27 4. the sheriff or sheriff's designee, when in a county without
28 a county police department;

29 5. the Secretary of Natural Resources or Secretary's
30 designee, when on property owned, leased, operated by, or under the control of the
31 Department of Natural Resources;

32 6. the chief of police of the Maryland Transportation
33 Authority or chief's designee, when on property owned, leased, operated by, or under
34 the control of the Maryland Transportation Authority, Maryland Aviation
35 Administration, or Maryland Port Administration; [or]

