
By: **Delegate Cadden**

Introduced and read first time: February 17, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Internal Investigative Unit - Transferred**

3 FOR the purpose of transferring the Internal Investigative Unit from the Department
4 of Public Safety and Correctional Services to the Department of State Police;
5 making certain conforming changes; and generally relating to the Internal
6 Investigative Unit.

7 BY transferring
8 Article - Correctional Services
9 Section 10-701 and the subtitle "Subtitle 7. Internal Investigative Unit"
10 Annotated Code of Maryland
11 (1999 Volume and 2005 Supplement)
12 to be
13 Article - Public Safety
14 Section 2-801 and the subtitle "Subtitle 8. Internal Investigative Unit"
15 Annotated Code of Maryland
16 (2003 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Procedure
19 Section 2-101(c)
20 Annotated Code of Maryland
21 (2001 Volume and 2005 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Public Safety
24 Section 2-801
25 Annotated Code of Maryland
26 (2003 Volume and 2005 Supplement)
27 (As enacted by Section 1 of this Act)

28 BY repealing and reenacting, with amendments,

1 Article - Public Safety
2 Section 3-201(e)(2)
3 Annotated Code of Maryland
4 (2003 Volume and 2005 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Health - General
7 Section 18-213(a)(3) and 18-213.2(a)(8)
8 Annotated Code of Maryland
9 (2005 Replacement Volume and 2005 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 3-702(b)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2005 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 10-701 and the subtitle "Subtitle 7. Internal
17 Investigative Unit" of Article - Correctional Services of the Annotated Code of
18 Maryland be transferred to be Section(s) 2-801 and the subtitle "Subtitle 8. Internal
19 Investigative Unit" of Article - Public Safety of the Annotated Code of Maryland.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
21 read as follows:

22 **Article - Criminal Procedure**

23 2-101.

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

- 26 (1) a member of the Department of State Police;
- 27 (2) a member of the Police Department of Baltimore City;
- 28 (3) a member of the Baltimore City School Police Force;
- 29 (4) a member of the police department, bureau, or force of a county;
- 30 (5) a member of the police department, bureau, or force of a municipal
31 corporation;
- 32 (6) a member of the Maryland Transit Administration Police Force or
33 Maryland Transportation Authority 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 Bureau 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 OF
23 STATE POLICE;
- 24 (19) a member of the State Forest and Park Service Police Force of the
25 Department of Natural Resources;
- 26 (20) a member of the Department of Labor, Licensing, and Regulation
27 Police Force;
- 28 (21) a member of the Washington Suburban Sanitary Commission Police
29 Force; or
- 30 (22) a member of the Ocean Pines Police Department.

Article - Public Safety

Subtitle 8. Internal Investigative Unit.

3 2-801.

- 4 (a) (1) There is an Internal Investigative Unit in the Department.
- 5 (2) The Secretary shall appoint the Director of the Internal Investigative
6 Unit.
- 7 (3) Subject to the authority of the Secretary, the Internal Investigative
8 Unit shall:
- 9 (i) investigate:
- 10 1. alleged criminal violations committed by employees of the
11 Department OF PUBLIC SAFETY AND CORRECTIONAL SERVICES while on duty;
- 12 2. alleged criminal violations committed by inmates, visitors,
13 and other individuals that affect the safety or security of the [Department's] facilities
14 or programs OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
15 SERVICES; and
- 16 3. alleged professional misconduct by employees of the
17 Department OF PUBLIC SAFETY AND CORRECTIONAL SERVICES; and
- 18 (ii) adopt regulations for the conduct of its investigations.
- 19 (b) An investigator in the Internal Investigative Unit may exercise the powers
20 of a peace or police officer in the State on property that is owned, leased, operated by,
21 or under the control of the Department OF PUBLIC SAFETY AND CORRECTIONAL
22 SERVICES.
- 23 (c) (1) An investigator in the Internal Investigative Unit may exercise the
24 powers of a peace or police officer in the State on property that is not owned, leased,
25 operated by, or under the control of the Department OF PUBLIC SAFETY AND
26 CORRECTIONAL SERVICES when:
- 27 (i) engaged in fresh pursuit of a suspected offender;
- 28 (ii) requested or authorized to do so by the chief executive officer or
29 chief police officer of a county;
- 30 (iii) necessary to facilitate the orderly flow of traffic to and from
31 property owned, leased, operated by, or under the control of the Department OF
32 PUBLIC SAFETY AND CORRECTIONAL SERVICES;

1 (iv) necessary to investigate and protect property that is owned,
2 leased, operated by, or under the control of the Department OF PUBLIC SAFETY AND
3 CORRECTIONAL SERVICES;

4 (v) engaged in an active and official investigation of the conduct of
5 an employee of the Department OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
6 when the employee's alleged conduct will compromise the safety or security of the
7 [Department's] facilities or programs OF THE DEPARTMENT OF PUBLIC SAFETY AND
8 CORRECTIONAL SERVICES;

9 (vi) engaged in an active and official investigation of an inmate in
10 the custody of the Commissioner of Correction or the Commissioner of Pretrial
11 Detention and Services, an inmate subject to the jurisdiction of the Patuxent
12 Institution, or an individual sentenced to probation or released on parole or
13 mandatory supervision; or

14 (vii) ordered to do so by the Governor.

15 (2) When acting under the authority granted in this subsection in
16 connection with an investigation or enforcement action, the Internal Investigative
17 Unit shall notify the following persons:

18 (i) when in an incorporated municipality, the chief of police, if any,
19 or the chief's designee;

20 (ii) when in a county that has a county police department, the chief
21 of police or the chief's designee;

22 (iii) when in a county without a police department, the sheriff or the
23 sheriff's designee;

24 (iv) when in Baltimore City, the Police Commissioner or the Police
25 Commissioner's designee;

26 (v) when on any property owned, leased, operated by, or under the
27 control of the Department of Natural Resources, the Secretary of Natural Resources
28 or the Secretary's designee;

29 (vi) when on any property owned, leased, operated by, or under the
30 control of the Maryland Transportation Authority, the Maryland Aviation
31 Administration, or the Maryland Port Administration, the respective chief of police or
32 the chief's designee; and

33 (vii) unless there is an agreement otherwise with the Department
34 [of State Police], the Department [of State Police] barrack commander or designee.

35 (3) The notification required under paragraph (2) of this subsection shall
36 be made:

37 (i) in advance, if practicable; or

1 (ii) if advance notification is not practicable, as soon as possible
2 after the exercise of the powers.

3 (4) When acting under the authority granted in this subsection, a
4 member of the Internal Investigative Unit shall have all the immunities from liability
5 and exemptions as that of a State Police officer in addition to any other immunities
6 and exemptions to which the member may otherwise be entitled.

7 (5) A member of the Internal Investigative Unit who uses the authority
8 granted in this subsection shall at all times and for all purposes remain an employee
9 of the Internal Investigative Unit.

10 (d) An individual who is employed as an investigator in the Internal
11 Investigative Unit shall meet the minimum qualifications required and satisfactorily
12 complete the training prescribed by the Maryland Police Training Commission.

13 3-201.

14 (e) (2) "Police officer" includes:

15 (i) a member of the Field Enforcement Bureau of the Comptroller's
16 Office;

17 (ii) the State Fire Marshal or a deputy State fire marshal;

18 (iii) an investigator of the Internal Investigative Unit of the
19 Department OF STATE POLICE;

20 (iv) a Montgomery County fire and explosive investigator as defined
21 in § 2-208.1 of the Criminal Procedure Article; and

22 (v) an Anne Arundel County or City of Annapolis fire and explosive
23 investigator as defined in § 2-208.2 of the Criminal Procedure Article.

24 **Article - Health - General**

25 18-213.

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

29 (i) The Department of State Police;

30 (ii) The Baltimore City Police Department;

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

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

- 1 (v) The office of the sheriff of any county;
- 2 (vi) The police department, bureau, or force of any bicounty agency
3 or constituent institution of the University System of Maryland, Morgan State
4 University, St. Mary's College, or of any institution under the jurisdiction of the
5 Maryland Higher Education Commission;
- 6 (vii) The Maryland Transit Administration police force of the
7 Department of Transportation, the Maryland Transportation Authority Police Force,
8 and the Maryland Port Administration police force of the Department of
9 Transportation;
- 10 (viii) The law enforcement officers of the Department of Natural
11 Resources;
- 12 (ix) The Field Enforcement Bureau of the Comptroller's Office;
- 13 (x) The Crofton Police Department;
- 14 (xi) The Internal Investigative Unit of the Department of [Public
15 Safety and Correctional Services] STATE POLICE; or
- 16 (xii) The Ocean Pines Police Department.

17 18-213.2.

18 (a) (8) "Law enforcement officer" means any individual who, in an official
19 capacity, is authorized by law to make arrests and who is a member of one of the
20 following law enforcement agencies:

- 21 (i) The Department of State Police;
- 22 (ii) The Baltimore City Police Department;
- 23 (iii) The police department, bureau, or force of any county;
- 24 (iv) The police department, bureau, or force of any incorporated city
25 or town;
- 26 (v) The office of the sheriff of any county;
- 27 (vi) The police department, bureau, or force of any bicounty agency
28 or constituent institution of the University System of Maryland, Morgan State
29 University, St. Mary's College, or of any institution under the jurisdiction of the
30 Maryland Higher Education Commission;
- 31 (vii) The Maryland Aviation Administration police force of the
32 Department of Transportation, the Maryland Transit Administration police force of
33 the Department of Transportation, the Maryland Transportation Authority police
34 force, and the Maryland Port Administration police force of the Department of
35 Transportation;

1 (viii) The law enforcement officers of the Department of Natural
2 Resources;

3 (ix) The Field Enforcement Bureau of the Comptroller's Office; or

4 (x) The Internal Investigative Unit of the Department of [Public
5 Safety and Correctional Services] STATE POLICE.

6 **Article - Labor and Employment**

7 3-702.

8 (b) (1) This section does not apply to the federal government or any of its
9 units.

10 (2) This section does not apply to an individual who is an employee of or
11 applies for assignment to the Internal Investigative Unit of the Department of
12 [Public Safety and Correctional Services] STATE POLICE.

13 (3) This section does not apply to an individual who applies for
14 employment or is employed:

15 (i) as a law enforcement officer, as defined in § 3-101 of the Public
16 Safety Article;

17 (ii) as an employee of a law enforcement agency of the State, a
18 county, or a municipal corporation;

19 (iii) as a communications officer of the Calvert County Control
20 Center;

21 (iv) as a correctional officer of the Calvert County Detention Center
22 or in any other capacity that involves direct personal contact with an inmate in the
23 Detention Center;

24 (v) as a correctional officer of the Washington County Detention
25 Center or in any other capacity that involves direct personal contact with an inmate
26 in the Center; or

27 (vi) as a correctional officer of:

28 1. the Baltimore City Jail;

29 2. the Baltimore County Detention Center;

30 3. the Cecil County Detention Center;

31 4. the Charles County Detention Center;

32 5. the Frederick County Adult Detention Center;

