
By: **Senator Hughes**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Baltimore City Community College Police - Law**
3 **Enforcement Officer**

4 FOR the purpose of including a member of the police force of the Baltimore City
5 Community College in the defined term "police officer" in connection with
6 provisions of law relating to the authority to make arrests; including a member
7 of the police force of the Baltimore City Community College in the defined term
8 "law enforcement officer" in connection with provisions of law relating to the
9 Maryland Police Training Commission and the Law Enforcement Officers' Bill of
10 Rights; providing for certain police officers who are employed by the Baltimore
11 City Community College with membership in the Law Enforcement Officers'
12 Pension System; making membership optional for certain police officers who are
13 employed by the Baltimore City Community College; and generally relating to
14 the police force of the Baltimore City Community College.

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

20 BY repealing and reenacting, with amendments,
21 Article - Public Safety
22 Section 3-101(e) and 3-201(e)
23 Annotated Code of Maryland
24 (2003 Volume and 2005 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - State Personnel and Pensions
27 Section 26-201 and 26-202
28 Annotated Code of Maryland
29 (2004 Replacement Volume and 2005 Supplement)

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

3 **Article - Criminal Procedure**

4 2-101.

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

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

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

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

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

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

13 (6) a member of the Maryland Transit Administration Police Force or
14 Maryland Transportation Authority Police Force;

15 (7) a member of the University of Maryland Police Force or Morgan State
16 University Police Force;

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

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

20 (10) the sheriff of a county whose usual duties include the making of
21 arrests;

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

24 (12) a member of the Natural Resources Police Force of the Department of
25 Natural Resources;

26 (13) an authorized employee of the Field Enforcement Bureau of the
27 Comptroller's Office;

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

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

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

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

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

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

8 (20) a member of the Department of Labor, Licensing, and Regulation
 9 Police Force;

10 (21) a member of the Washington Suburban Sanitary Commission Police
 11 Force; [or]

12 (22) a member of the Ocean Pines Police Department; OR

13 (23) A MEMBER OF THE POLICE FORCE OF THE BALTIMORE CITY
 14 COMMUNITY COLLEGE.

15 **Article - Public Safety**

16 3-101.

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

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

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

20 1. the Department of State Police;

21 2. the Police Department of Baltimore City;

22 3. the Baltimore City School Police Force;

23 4. the Baltimore City Watershed Police Force;

24 5. the police department, bureau, or force of a county;

25 6. the police department, bureau, or force of a municipal
 26 corporation;

27 7. the office of the sheriff of a county;

28 8. the police department, bureau, or force of a bicounty
 29 agency;

30 9. the Maryland Transportation Authority Police;

1 3-201.

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

3 (i) is authorized to enforce the general criminal laws of the State;

4 and

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

6 1. the Department of State Police;

7 2. the Police Department of Baltimore City;

8 3. the police department, bureau, or force of a county;

9 4. the police department, bureau, or force of a municipal

10 corporation;

11 5. the Maryland Transit Administration police force;

12 6. the Maryland Transportation Authority Police;

13 7. the police forces of the University System of Maryland;

14 8. the police force of Morgan State University;

15 9. the office of the sheriff of a county;

16 10. the police forces of the Department of Natural Resources;

17 11. the police force of the Department of General Services;

18 12. the police force of a State, county, or municipal corporation

19 if the special police officers are appointed under Subtitle 3 of this title;

20 13. the Housing Authority of Baltimore City Police Force;

21 14. the Baltimore City School Police Force;

22 15. the Crofton Police Department;

23 16. the police force of the Department of Labor, Licensing, and

24 Regulation;

25 17. the Washington Suburban Sanitary Commission Police

26 Force; [or]

27 18. the Ocean Pines Police Department; OR

28 19. THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY

29 COLLEGE.

- 1 (2) "Police officer" includes:
- 2 (i) a member of the Field Enforcement Bureau of the Comptroller's
3 Office;
- 4 (ii) the State Fire Marshal or a deputy State fire marshal;
- 5 (iii) an investigator of the Internal Investigative Unit of the
6 Department;
- 7 (iv) a Montgomery County fire and explosive investigator as defined
8 in § 2-208.1 of the Criminal Procedure Article; and
- 9 (v) an Anne Arundel County or City of Annapolis fire and explosive
10 investigator as defined in § 2-208.2 of the Criminal Procedure Article.

- 11 (3) "Police officer" does not include:
- 12 (i) an individual who serves as a police officer only because the
13 individual occupies another office or position;
- 14 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
15 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant
16 chief of police, or another individual with an equivalent title who is appointed or
17 employed by a government to exercise equivalent supervisory authority; or
- 18 (iii) a member of the Maryland National Guard who:
- 19 1. is under the control and jurisdiction of the Military
20 Department;
- 21 2. is assigned to the military property designated as the
22 Glenn L. Martin State Airport; and
- 23 3. is charged with exercising police powers in and for the
24 Glenn L. Martin State Airport.

25 **Article - State Personnel and Pensions**

26 26-201.

27 (a) Except as provided in subsection (b) of this section, this subtitle applies
28 only to:

- 29 (1) an employee of the Department of Natural Resources commissioned
30 by the Secretary of Natural Resources as:
- 31 (i) a Natural Resources police officer; or
- 32 (ii) a law enforcement officer, other than a Natural Resources police
33 officer;

- 1 (2) a law enforcement officer employed by the Field Enforcement
2 Bureau;
- 3 (3) a member of the Maryland Transportation Authority Police Force
4 who has the powers granted to a police officer under § 4-208 of the Transportation
5 Article;
- 6 (4) a deputy sheriff employed by the Baltimore City Sheriff's
7 Department;
- 8 (5) a member of the University of Maryland Police Force who has the
9 powers granted to a police officer under § 13-601 of the Education Article;
- 10 (6) a law enforcement officer or firefighter employed by a participating
11 governmental unit that on or after July 1, 1999 has elected to participate in the Law
12 Enforcement Officers' Pension System;
- 13 (7) the State Fire Marshal or a Deputy State Fire Marshal;
- 14 (8) a member of the Morgan State University Police Force who has the
15 powers granted to a police officer under § 14-106 of the Education Article;
- 16 (9) a member of the BWI Airport Fire & Rescue Department;
- 17 (10) a member of the Department of General Services Police Force who
18 has the powers granted to a police officer under § 4-605 of the State Finance and
19 Procurement Article;
- 20 (11) an employee of the Department of Health and Mental Hygiene
21 commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental
22 Hygiene police officer;
- 23 (12) an employee of the Motor Vehicle Administration commissioned by
24 the Secretary of Transportation as a Motor Vehicle Administration police officer;
- 25 (13) an employee of the Department of Labor, Licensing, and Regulation
26 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
27 Licensing, and Regulation police officer;
- 28 (14) a firefighter for the Martin State Airport employed by the Military
29 Department;
- 30 (15) a police officer employed by the Division of Rehabilitation Services in
31 the Department of Education, certified in accordance with the Maryland Police and
32 Correctional Training Commissions;
- 33 (16) a firefighter or paramedic employed by the Salisbury Fire
34 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
35 article;

1 (17) an aviator employed by the Department of State Police to operate an
2 aircraft for the State Emergency Medical System; [or]

3 (18) a member of the Maryland Transit Administration Police Force who
4 has the powers granted to a police officer under § 7-207 of the Transportation Article;
5 OR

6 (19) A POLICE OFFICER WHO IS EMPLOYED BY THE BALTIMORE CITY
7 COMMUNITY COLLEGE.

8 (b) This subtitle does not apply to:

9 (1) a Maryland Transportation Authority police officer who transferred
10 from the Employees' Retirement System to the Employees' Pension System on or after
11 December 1, 1996;

12 (2) a deputy sheriff employed by the Baltimore City Sheriff's
13 Department who transferred from the Employees' Retirement System to the
14 Employees' Pension System on or after December 1, 1996;

15 (3) a member of the University of Maryland Police Force who transferred
16 from the Employees' Retirement System to the Employees' Pension System on or after
17 December 1, 1997;

18 (4) a law enforcement officer or firefighter employed by a participating
19 governmental unit who transferred from the Employees' Retirement System to the
20 Employees' Pension System on or after December 1, 1997;

21 (5) a Maryland Port Administration police officer who transferred from
22 the Employees' Retirement System to the Employees' Pension System on or after
23 December 1, 1997;

24 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
25 from the Employees' Retirement System to the Employees' Pension System on or after
26 December 1, 1996;

27 (7) a member of the Morgan State University Police Force who
28 transferred from the Employees' Retirement System to the Employees' Pension
29 System on or after December 1, 1997;

30 (8) a member of the BWI Airport Fire & Rescue Department who
31 transferred from the Employees' Retirement System to the Employees' Pension
32 System on or after April 1, 1998;

33 (9) a member of the Department of General Services, Department of
34 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
35 Licensing, and Regulation Police Force who transferred from the Employees'
36 Retirement System to the Employees' Pension System on or after April 1, 1998;

1 (10) a firefighter for the Martin State Airport employed by the Military
2 Department who transferred from the Employees' Retirement System to the
3 Employees' Pension System on or after April 1, 1998;

4 (11) a police officer employed by the Division of Rehabilitation Services in
5 the Department of Education who:

6 (i) is certified in accordance with the Maryland Police and
7 Correctional Training Commissions; and

8 (ii) transferred from the Employees' Retirement System to the
9 Employees' Pension System on or after April 1, 1998;

10 (12) a firefighter or paramedic employed by the Salisbury Fire
11 Department who transferred from the Employees' Retirement System to the
12 Employees' Pension System on or after April 1, 1998; [or]

13 (13) an aviator employed by the Department of State Police to operate an
14 aircraft for the State Emergency Medical System who transferred from the
15 Employees' Retirement System to the Employees' Pension System on or after April 1,
16 1998; OR

17 (14) A POLICE OFFICER WHO IS EMPLOYED BY THE BALTIMORE CITY
18 COMMUNITY COLLEGE WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT
19 SYSTEM TO THE EMPLOYEES' PENSION SYSTEM ON OR AFTER APRIL 1, 1998.

20 26-202.

21 (a) Except as provided in subsection (b) of this section, an individual described
22 in § 26-201 of this subtitle is a member of the Law Enforcement Officers' Pension
23 System as a condition of employment.

24 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
25 Enforcement Officers' Pension System is optional for an individual described in §
26 26-201 of this subtitle:

27 (i) who was employed by the Department of Natural Resources on
28 July 1, 1990 and who elects membership on or before December 31, 2002;

29 (ii) who was employed by the Field Enforcement Division on June
30 30, 1995 and who elects membership on or before December 31, 2002;

31 (iii) who was employed by the Maryland Transportation Authority
32 on June 30, 1997 and who elects membership on or before December 31, 2002;

33 (iv) who was employed by the Baltimore City Sheriff's Department
34 on June 30, 1997 and who elects membership on or before December 31, 2002;

35 (v) who was employed by the University of Maryland Police Force
36 on June 30, 1999 and who elects membership on or before December 31, 2002;

1 (vi) who is employed by a participating governmental unit on the
2 effective date of participation on or after July 1, 1999 for that participating
3 governmental unit and who elects membership within 6 months of the effective date
4 of participation;

5 (vii) who was employed by the Maryland Port Administration Police
6 Force and was subsequently transferred to and employed by the Maryland
7 Transportation Authority Police Force on July 1, 1998 and who elects membership on
8 or before December 31, 2002;

9 (viii) who was employed by the office of the State Fire Marshal on
10 June 30, 1998 and who elects membership on or before December 31, 2002;

11 (ix) who was employed by the Morgan State University Police Force
12 on June 30, 1999 and who elects membership on or before December 31, 2002;

13 (x) who was employed by the BWI Airport Fire & Rescue
14 Department on June 30, 2000, and who elects membership on or before December 31,
15 2002;

16 (xi) who was employed by the Department of General Services,
17 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
18 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
19 who elects membership on or before December 31, 2002;

20 (xii) who was employed by the Military Department as a firefighter
21 at Martin State Airport on June 30, 2001, and who elects membership on or before
22 December 31, 2002;

23 (xiii) who was employed on June 30, 2002, by the Division of
24 Rehabilitation Services in the Department of Education as a police officer certified in
25 accordance with the Maryland Police and Correctional Training Commissions, and
26 who elects membership on or before December 31, 2002;

27 (xiv) who was employed on June 30, 2004, by the Salisbury Fire
28 Department as a firefighter or paramedic and who elects membership on or before
29 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article; [or]

30 (xv) who was employed on June 30, 2005, by the Department of
31 State Police as an aviator operating an aircraft for the State Emergency Medical
32 System, and who elects membership on or before December 31, 2005; OR

33 (XVI) WHO WAS EMPLOYED ON JUNE 30, 2006, BY THE BALTIMORE
34 CITY COMMUNITY COLLEGE AS A POLICE OFFICER, AND WHO ELECTS MEMBERSHIP
35 ON OR BEFORE DECEMBER 31, 2006.

36 (2) To elect to be a member of the Law Enforcement Officers' Pension
37 System, an individual shall file a written application with the State Retirement
38 Agency.

1 (3) If an individual does not elect membership during the applicable
2 period specified under paragraph (1) of this subsection, the individual may not
3 become a member of the Law Enforcement Officers' Pension System.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2006.