
By: **Senator Hughes**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 24, 2006

CHAPTER _____

1 AN ACT concerning

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

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

19 BY repealing and reenacting, with amendments,
 20 Article - Criminal Procedure
 21 Section 2-101(c)
 22 Annotated Code of Maryland
 23 (2001 Volume and 2005 Supplement)

24 BY adding to
 25 Article - Education

1 Section 16-513
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2005 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Public Safety
6 Section 3-101(e) and 3-201(e)
7 Annotated Code of Maryland
8 (2003 Volume and 2005 Supplement)

9 ~~BY repealing and reenacting, with amendments,~~
10 ~~Article - State Personnel and Pensions~~
11 ~~Section 26-201 and 26-202~~
12 ~~Annotated Code of Maryland~~
13 ~~(2004 Replacement Volume and 2005 Supplement)~~

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

16 **Article - Criminal Procedure**

17 2-101.

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

- 20 (1) a member of the Department of State Police;
- 21 (2) a member of the Police Department of Baltimore City;
- 22 (3) a member of the Baltimore City School Police Force;
- 23 (4) a member of the police department, bureau, or force of a county;
- 24 (5) a member of the police department, bureau, or force of a municipal
25 corporation;
- 26 (6) a member of the Maryland Transit Administration Police Force or
27 Maryland Transportation Authority Police Force;
- 28 (7) a member of the University of Maryland Police Force or Morgan State
29 University Police Force;
- 30 (8) a special police officer who is appointed to enforce the law and
31 maintain order on or protect property of the State or any of its units;
- 32 (9) a member of the Department of General Services security force;

1 (10) the sheriff of a county whose usual duties include the making of
2 arrests;

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

5 (12) a member of the Natural Resources Police Force of the Department of
6 Natural Resources;

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

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

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

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

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

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

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

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

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

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

25 (23) A MEMBER OF THE POLICE FORCE OF THE BALTIMORE CITY
26 COMMUNITY COLLEGE.

27 **Article - Education**

28 16-513.

29 (A) THERE IS A BALTIMORE CITY COMMUNITY COLLEGE POLICE FORCE.

30 (B) (1) A BALTIMORE CITY COMMUNITY COLLEGE POLICE OFFICER HAS THE
31 POWERS GRANTED TO A PEACE AND POLICE OFFICER.

1 (2) (I) A BALTIMORE CITY COMMUNITY COLLEGE POLICE OFFICER
 2 MAY EXERCISE THESE POWERS ONLY ON PROPERTY THAT IS OWNED, LEASED,
 3 OPERATED BY, OR UNDER THE CONTROL OF BALTIMORE CITY COMMUNITY COLLEGE.

4 (II) THE POLICE OFFICER MAY NOT EXERCISE THESE POWERS ON
 5 ANY OTHER PROPERTY UNLESS:

6 1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED
 7 OFFENDER;

8 2. NECESSARY TO FACILITATE THE ORDERLY FLOW OF
 9 TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE
 10 CONTROL OF BALTIMORE CITY COMMUNITY COLLEGE; OR

11 3. ORDERED TO DO SO BY THE GOVERNOR.

12 (C) (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND
 13 THE MARYLAND POLICE TRAINING COMMISSION, THE BOARD OF TRUSTEES SHALL
 14 ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER,
 15 TRAINING, EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR
 16 BALTIMORE CITY COMMUNITY COLLEGE POLICE OFFICERS, INCLUDING STANDARDS
 17 FOR THE PERFORMANCE OF THEIR DUTIES.

18 (2) TO THE EXTENT PRACTICABLE, THE BOARD SHALL ADOPT
 19 STANDARDS THAT ARE SIMILAR TO THE STANDARDS ADOPTED FOR THE
 20 DEPARTMENT OF STATE POLICE.

21 (D) THE BOARD OF TRUSTEES SHALL ADOPT REGULATIONS GOVERNING THE
 22 OPERATION AND CONDUCT OF THE BALTIMORE CITY COMMUNITY COLLEGE POLICE
 23 FORCE AND OF BALTIMORE CITY COMMUNITY COLLEGE POLICE OFFICERS.

24 **Article - Public Safety**

25 3-101.

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

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

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

- 29 1. the Department of State Police;
- 30 2. the Police Department of Baltimore City;
- 31 3. the Baltimore City School Police Force;
- 32 4. the Baltimore City Watershed Police Force;
- 33 5. the police department, bureau, or force of a county;

- 1
2 corporation;
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- 4
5 agency;
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13 Hygiene;
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- 15
16 Regulation;
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22 COLLEGE.
6. the police department, bureau, or force of a municipal
7. the office of the sheriff of a county;
8. the police department, bureau, or force of a bicounty
9. the Maryland Transportation Authority Police;
10. the police forces of the Department of Transportation;
11. the police forces of the Department of Natural Resources;
12. the Field Enforcement Bureau of the Comptroller's Office;
13. the Housing Authority of Baltimore City Police Force;
14. the Crofton Police Department;
15. the police force of the Department of Health and Mental
16. the police force of the Department of General Services;
17. the police force of the Department of Labor, Licensing, and
18. the police forces of the University System of Maryland;
19. the police force of Morgan State University;
20. the office of State Fire Marshal; [or]
21. the Ocean Pines Police Department; OR
22. THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY

23 (2) "Law enforcement officer" does not include:

24 (i) an individual who serves at the pleasure of the Police
25 Commissioner of Baltimore City;

26 (ii) an individual who serves at the pleasure of the appointing
27 authority of a charter county;

28 (iii) the police chief of a municipal corporation;

1 (iv) an officer who is in probationary status on initial entry into the
2 law enforcement agency except if an allegation of brutality in the execution of the
3 officer's duties is made;

4 (v) a Montgomery County fire and explosive investigator as defined
5 in § 2-208.1 of the Criminal Procedure Article; or

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

8 3-201.

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

10 (i) is authorized to enforce the general criminal laws of the State;
11 and

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

13 1. the Department of State Police;

14 2. the Police Department of Baltimore City;

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

16 4. the police department, bureau, or force of a municipal
17 corporation;

18 5. the Maryland Transit Administration police force;

19 6. the Maryland Transportation Authority Police;

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

21 8. the police force of Morgan State University;

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

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

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

25 12. the police force of a State, county, or municipal corporation
26 if the special police officers are appointed under Subtitle 3 of this title;

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

28 14. the Baltimore City School Police Force;

29 15. the Crofton Police Department;

- 1
2 Regulation;
- 3
4 Force; [or]
- 5
- 6
7 COLLEGE.
16. the police force of the Department of Labor, Licensing, and
17. the Washington Suburban Sanitary Commission Police
18. the Ocean Pines Police Department; OR
19. THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY

8 (2) "Police officer" includes:

- 9
10 Office;
- 11 (i) a member of the Field Enforcement Bureau of the Comptroller's
- 12 (ii) the State Fire Marshal or a deputy State fire marshal;
- 13 Department;
- 14 (iii) an investigator of the Internal Investigative Unit of the
- 15 in § 2-208.1 of the Criminal Procedure Article; and
- 16 (iv) a Montgomery County fire and explosive investigator as defined
- 17 investigator as defined in § 2-208.2 of the Criminal Procedure Article.
- 18 (v) an Anne Arundel County or City of Annapolis fire and explosive

18 (3) "Police officer" does not include:

- 19 (i) an individual who serves as a police officer only because the
- 20 individual occupies another office or position;
- 21 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
- 22 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant
- 23 chief of police, or another individual with an equivalent title who is appointed or
- 24 employed by a government to exercise equivalent supervisory authority; or
- 25 (iii) a member of the Maryland National Guard who:
- 26 1. is under the control and jurisdiction of the Military
- 27 Department;
- 28 2. is assigned to the military property designated as the
- 29 Glenn L. Martin State Airport; and
- 30 3. is charged with exercising police powers in and for the
- 31 Glenn L. Martin State Airport.

Article—State Personnel and Pensions

1
2 ~~26-201.~~

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

5 (1) ~~an employee of the Department of Natural Resources commissioned~~
6 ~~by the Secretary of Natural Resources as:~~

7 (i) ~~a Natural Resources police officer; or~~

8 (ii) ~~a law enforcement officer, other than a Natural Resources police~~
9 ~~officer;~~

10 (2) ~~a law enforcement officer employed by the Field Enforcement~~
11 ~~Bureau;~~

12 (3) ~~a member of the Maryland Transportation Authority Police Force~~
13 ~~who has the powers granted to a police officer under § 4-208 of the Transportation~~
14 ~~Article;~~

15 (4) ~~a deputy sheriff employed by the Baltimore City Sheriff's~~
16 ~~Department;~~

17 (5) ~~a member of the University of Maryland Police Force who has the~~
18 ~~powers granted to a police officer under § 13-601 of the Education Article;~~

19 (6) ~~a law enforcement officer or firefighter employed by a participating~~
20 ~~governmental unit that on or after July 1, 1999 has elected to participate in the Law~~
21 ~~Enforcement Officers' Pension System;~~

22 (7) ~~the State Fire Marshal or a Deputy State Fire Marshal;~~

23 (8) ~~a member of the Morgan State University Police Force who has the~~
24 ~~powers granted to a police officer under § 14-106 of the Education Article;~~

25 (9) ~~a member of the BWI Airport Fire & Rescue Department;~~

26 (10) ~~a member of the Department of General Services Police Force who~~
27 ~~has the powers granted to a police officer under § 4-605 of the State Finance and~~
28 ~~Procurement Article;~~

29 (11) ~~an employee of the Department of Health and Mental Hygiene~~
30 ~~commissioned by the Secretary of Health and Mental Hygiene as a Health and Mental~~
31 ~~Hygiene police officer;~~

32 (12) ~~an employee of the Motor Vehicle Administration commissioned by~~
33 ~~the Secretary of Transportation as a Motor Vehicle Administration police officer;~~

1 (13) an employee of the Department of Labor, Licensing, and Regulation
 2 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor,
 3 Licensing, and Regulation police officer;

4 (14) a firefighter for the Martin State Airport employed by the Military
 5 Department;

6 (15) a police officer employed by the Division of Rehabilitation Services in
 7 the Department of Education, certified in accordance with the Maryland Police and
 8 Correctional Training Commissions;

9 (16) a firefighter or paramedic employed by the Salisbury Fire
 10 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
 11 article;

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

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

17 (19) ~~A POLICE OFFICER WHO IS EMPLOYED BY THE BALTIMORE CITY~~
 18 ~~COMMUNITY COLLEGE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER~~
 19 ~~UNDER § 16-513 OF THE EDUCATION ARTICLE.~~

20 (b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (13) an aviator employed by the Department of State Police to operate an
27 aircraft for the State Emergency Medical System who transferred from the
28 Employees' Retirement System to the Employees' Pension System on or after April 1,
29 1998; OR

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

33 ~~26-202.~~

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

- 1 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
2 Enforcement Officers' Pension System is optional for an individual described in §
3 26-201 of this subtitle:
- 4 (i) who was employed by the Department of Natural Resources on
5 July 1, 1990 and who elects membership on or before December 31, 2002;
- 6 (ii) who was employed by the Field Enforcement Division on June
7 30, 1995 and who elects membership on or before December 31, 2002;
- 8 (iii) who was employed by the Maryland Transportation Authority
9 on June 30, 1997 and who elects membership on or before December 31, 2002;
- 10 (iv) who was employed by the Baltimore City Sheriff's Department
11 on June 30, 1997 and who elects membership on or before December 31, 2002;
- 12 (v) who was employed by the University of Maryland Police Force
13 on June 30, 1999 and who elects membership on or before December 31, 2002;
- 14 (vi) who is employed by a participating governmental unit on the
15 effective date of participation on or after July 1, 1999 for that participating
16 governmental unit and who elects membership within 6 months of the effective date
17 of participation;
- 18 (vii) who was employed by the Maryland Port Administration Police
19 Force and was subsequently transferred to and employed by the Maryland
20 Transportation Authority Police Force on July 1, 1998 and who elects membership on
21 or before December 31, 2002;
- 22 (viii) who was employed by the office of the State Fire Marshal on
23 June 30, 1998 and who elects membership on or before December 31, 2002;
- 24 (ix) who was employed by the Morgan State University Police Force
25 on June 30, 1999 and who elects membership on or before December 31, 2002;
- 26 (x) who was employed by the BWI Airport Fire & Rescue
27 Department on June 30, 2000, and who elects membership on or before December 31,
28 2002;
- 29 (xi) who was employed by the Department of General Services,
30 Department of Health and Mental Hygiene, Motor Vehicle Administration, and
31 Department of Labor, Licensing, and Regulation Police Force on June 30, 2000 and
32 who elects membership on or before December 31, 2002;
- 33 (xii) who was employed by the Military Department as a firefighter
34 at Martin State Airport on June 30, 2001, and who elects membership on or before
35 December 31, 2002;
- 36 (xiii) who was employed on June 30, 2002, by the Division of
37 Rehabilitation Services in the Department of Education as a police officer certified in

1 accordance with the Maryland Police and Correctional Training Commissions, and
2 who elects membership on or before December 31, 2002;

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

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

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October July 1, 2006.