

HOUSE BILL 551

E4

9lr0692

By: **Delegates Kelly, Barnes, Dwyer, Jennings, Kramer, Levi, Myers, Valderrama, and Waldstreicher**

Introduced and read first time: February 5, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Definition of Law Enforcement**
3 **Officer**

4 FOR the purpose of altering, for purposes of the Law Enforcement Officers' Bill of
5 Rights, the definition of “law enforcement officer” to mean an individual who in
6 an official capacity is authorized by law to make arrests and is a member of a
7 law enforcement agency in this State, with certain exceptions.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 3–101(e)
11 Annotated Code of Maryland
12 (2003 Volume and 2008 Supplement)

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

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;
19 and

20 (ii) is a member of [one of the following law enforcement
21 agencies:

22 1. the Department of State Police;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 - 6 corporation;
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 - 9 agency;
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 - 13 Resources;
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 - 15 Office;
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 - 19 Mental Hygiene;
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 - 21 Services;
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 - 23 and Regulation;
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 - 25 Maryland;
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2. the Police Department of Baltimore City;
 3. the Baltimore City School Police Force;
 4. the Baltimore City Watershed Police Force;
 5. the police department, bureau, or force of a county;
 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
 12. the Field Enforcement Bureau of the Comptroller's
 13. the Housing Authority of Baltimore City Police Force;
 14. the Crofton Police Department;
 15. the police force of the Department of Health and
 16. the police force of the Department of General
 17. the police force of the Department of Labor, Licensing,
 18. the police forces of the University System of
 19. the police force of Morgan State University;
 20. the office of State Fire Marshal;
 21. the Ocean Pines Police Department; or

1 22. the police force of the Baltimore City Community
2 College] **A LAW ENFORCEMENT AGENCY IN THIS STATE.**

3 (2) “Law enforcement officer” does not include:

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

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

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

9 (iv) an officer who is in probationary status on initial entry into
10 the law enforcement agency except if an allegation of brutality in the execution of the
11 officer’s duties is made;

12 (v) a Montgomery County fire and explosive investigator as
13 defined in § 2–208.1 of the Criminal Procedure Article;

14 (vi) an Anne Arundel County or City of Annapolis fire and
15 explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

16 (vii) a Prince George’s County fire and explosive investigator as
17 defined in § 2–208.3 of the Criminal Procedure Article;

18 (viii) a Worcester County fire and explosive investigator as
19 defined in § 2–208.4 of the Criminal Procedure Article; or

20 (ix) a City of Hagerstown fire and explosive investigator as
21 defined in § 2–208.5 of the Criminal Procedure Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2009.