

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 551
Judiciary

(Delegate Kelly, *et al.*)

Law Enforcement Officers' Bill of Rights - Definition of Law Enforcement Officer

This bill specifies that, under the Law Enforcement Officers' Bill of Rights (LEOBR), the term "law enforcement officer" means an individual legally authorized to make arrests and is a member of a law enforcement agency in the State. The bill retains the current law exceptions from the definition.

Fiscal Summary

State Effect: None. The bill does not specifically include any additional State law enforcement officers, or exclude any current State law enforcement officers, from coverage under LEOBR. The law enforcement officers of any newly formed State law enforcement agency would be covered without any change to LEOBR provisions.

Local Effect: None. The bill does not specifically include any additional local law enforcement officers, or exclude any current local law enforcement officers, from coverage under LEOBR. The law enforcement officers of any newly formed local law enforcement agency would be covered without any change to LEOBR provisions.

Small Business Effect: None.

Analysis

Current Law: Under the Law Enforcement Officers' Bill of Rights, a law enforcement officer is defined as an individual who, in an official capacity, is legally authorized to make arrests and is a member of:

- the Department of State Police;
- the Baltimore City Police Department;
- the Baltimore City School Police Force;
- the Baltimore City Watershed Police Force;
- the police department, bureau, or force of any county or municipality;
- the office of the sheriff of a county;
- the police department, bureau, or force of any bicounty agency;
- the Maryland Transportation Authority Police and the police forces of the Maryland Department of Transportation;
- the police forces of the Department of Natural Resources;
- the Field Enforcement Division of the Comptroller's Office;
- the Housing Authority of Baltimore City Police Force;
- the Crofton Police Department;
- the police force of the Department of Health and Mental Hygiene;
- the police force of the Department of General Services;
- the police force of the Department of Labor, Licensing, and Regulation;
- the office of the State Fire Marshal;
- the police forces of the University System of Maryland;
- the police force of Morgan State University;
- the Ocean Pines Police Department; or
- the police force of the Baltimore City Community College.

Law enforcement officer does not include:

- an individual who serves at the pleasure of the Police Commissioner of Baltimore City;
- an individual who serves at the pleasure of the appointing authority of a charter county;
- the police chief of a municipal corporation;
- an officer who is in probationary status on initial entry into the law enforcement agency except if the status results from an allegation of brutality in the execution of the officer's duties;
- a fire and explosive investigator in Anne Arundel, Montgomery, Prince George's, or Worcester counties; or the cities of Annapolis and Hagerstown.

Under provisions of the Public Safety Article relating to the Police Training Commission, the term “law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipality that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State. The term does not include members of the Maryland National Guard who: (1) are under the control and jurisdiction of the Military Department; (2) are assigned to the military property designated as the Glenn L. Martin State Airport; and (3) are charged with exercising police powers in and for the Glenn L. Martin State Airport.

Background: The Law Enforcement Officers’ Bill of Rights was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to the law enforcement officers listed above, but does not extend to any correctional officers in the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; Anne Arundel, Caroline, Howard, and Montgomery counties; City of College Park; Baltimore City Community College; Department of Natural Resources; Department of General Services; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of State Police; Morgan State University; Maryland Department of Transportation; University System of Maryland; Department of Legislative Services

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