

SENATE BILL 409

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CF HB 363

By: **Senator Jones–Rodwell (By Request – Baltimore City Administration) and
Senators Ferguson, Gladden, McFadden, and Pugh**

Introduced and read first time: February 1, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Police Department – Appointments**

3 FOR the purpose of altering the rank above which the Police Commissioner of
4 Baltimore City may make an appointment without an examination under
5 certain circumstances; and generally relating to appointments in the Police
6 Department of Baltimore City.

7 BY repealing and reenacting, with amendments,
8 The Public Local Laws of Baltimore City
9 Section 16–7(3) and 16–10(d)
10 Article 4 – Public Local Laws of Maryland
11 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

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

14 **Article 4 – Baltimore City**

15 16–7.

16 In directing and supervising the operations and affairs of the Department, the
17 Commissioner shall, subject to the provisions of this subtitle, and subject to the
18 provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter
19 of Baltimore City (1964 Revision) as amended from time to time, be vested with all the
20 powers, rights and privileges attending the responsibility of management, and may
21 exercise the same, where appropriate, by rule, regulation, order or other departmental
22 directive which shall be binding on all members of the Department when duly
23 promulgated. In the event of a conflict between the provisions of Article VI and
24 Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this
25 subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control The

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 authority herein vested in the Police Commissioner shall specifically include, but not
2 be limited to, the following:

3 (3) To appoint without examination and to serve at his pleasure during
4 satisfactory performance, Deputy Commissioners and other ranks and positions above
5 the rank of [Captain] **LIEUTENANT** which the Commissioner has determined require
6 the experience of a [police officer] **LIEUTENANT** as a prerequisite in order to insure
7 the effective and efficient staffing and operation of the major functional subdivisions of
8 the Department.

9 16–10.

10 (d) Notwithstanding any provisions of this section, or of this subtitle, the
11 Commissioner may make any appointment to the Department above the rank of
12 [Captain] **LIEUTENANT**, without examination, except that no such position shall be
13 filled by a police officer within the Department of a rank less than Lieutenant, and
14 where any such appointment is made the police officer so appointed shall, upon the
15 termination of his service in such position, be returned to the rank from which he was
16 elevated, or to such higher rank as he became eligible to serve in during his
17 appointment.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2012.