

SENATE BILL 728

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2lr3046
CF 2lr0310

By: **Senator Muse**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Higher Education – Tuition Waiver – Children of Law Enforcement Officers**
3 **Killed in the Line of Duty**

4 FOR the purpose of waiving tuition and mandatory fees for children of State or local
5 law enforcement officers killed in the line of duty who attend a public
6 institution of higher education under certain circumstances; setting forth the
7 conditions for receiving the waiver; exempting a certain child from paying the
8 difference between certain amounts; providing for the duration of the waiver;
9 requiring the Maryland Higher Education Commission to adopt certain
10 regulations; defining certain terms; and generally relating to a tuition waiver
11 for children of law enforcement officers killed in the line of duty in the State.

12 BY adding to

13 Article – Education

14 Section 15–106.9

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Public Safety

19 Section 3–101(e)

20 Annotated Code of Maryland

21 (2003 Volume and 2011 Supplement)

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

24 **Article – Education**

25 **15–106.9.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “LAW ENFORCEMENT OFFICER” MEANS A LAW ENFORCEMENT
4 OFFICER AS DEFINED IN § 3-101 OF THE PUBLIC SAFETY ARTICLE.

5 (3) (I) “TUITION” MEANS THE CHARGES IMPOSED BY A PUBLIC
6 INSTITUTION OF HIGHER EDUCATION FOR ENROLLMENT AT THE INSTITUTION.

7 (II) “TUITION” INCLUDES CHARGES FOR REGISTRATION
8 AND ALL FEES REQUIRED AS A CONDITION OF ENROLLMENT.

9 (B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
10 BEGINNING WITH THE 2012 FALL SEMESTER, THE CHILD OF A STATE OR LOCAL
11 LAW ENFORCEMENT OFFICER KILLED IN THE LINE OF DUTY WHO ATTENDS A
12 PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE IS EXEMPT FROM
13 PAYING TUITION AT THE PUBLIC INSTITUTION OF HIGHER EDUCATION IN THIS
14 STATE IF:

15 (I) THE CHILD IS ENROLLED AT THE INSTITUTION ON OR
16 BEFORE THE DATE THAT THE CHILD REACHES THE AGE OF 25 YEARS;

17 (II) THE CHILD IS ENROLLED AS A CANDIDATE FOR AN
18 ASSOCIATE’S DEGREE OR A BACHELOR’S DEGREE; AND

19 (III) THE CHILD HAS FILED FOR FEDERAL AND STATE
20 FINANCIAL AID BY MARCH 1 EACH YEAR.

21 (2) IF A CHILD DESCRIBED IN PARAGRAPH (1) OF THIS
22 SUBSECTION RECEIVES A SCHOLARSHIP OR GRANT FOR POSTSECONDARY
23 STUDY AND IS ENROLLED BEFORE THE CHILD’S 25TH BIRTHDAY AS A
24 CANDIDATE FOR AN ASSOCIATE’S DEGREE OR A BACHELOR’S DEGREE AT A
25 PUBLIC INSTITUTION OF HIGHER EDUCATION, THE CHILD MAY NOT BE
26 REQUIRED TO PAY THE DIFFERENCE BETWEEN THE AMOUNT OF THE
27 SCHOLARSHIP OR GRANT AND THE AMOUNT OF THE TUITION.

28 (3) A CHILD WHO IS EXEMPT FROM TUITION UNDER THIS
29 SECTION CONTINUES TO BE EXEMPT UNTIL THE EARLIER OF:

30 (I) 5 YEARS AFTER FIRST ENROLLING AS A CANDIDATE FOR
31 AN ASSOCIATE’S DEGREE OR A BACHELOR’S DEGREE AT A PUBLIC INSTITUTION
32 OF HIGHER EDUCATION IN THE STATE; OR

1 **(II) THE DATE THAT THE CHILD IS AWARDED A BACHELOR’S**
2 **DEGREE.**

3 **(C) THE COMMISSION SHALL ADOPT REGULATIONS IN ACCORDANCE**
4 **WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE TO**
5 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

6 **Article – Public Safety**

7 3–101.

8 (e) (1) “Law enforcement officer” means an individual who:

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

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

- 13 1. the Department of State Police;
- 14 2. the Police Department of Baltimore City;
- 15 3. the Baltimore City School Police Force;
- 16 4. the Baltimore City Watershed Police Force;
- 17 5. the police department, bureau, or force of a county;
- 18 6. the police department, bureau, or force of a municipal
19 corporation;
- 20 7. the office of the sheriff of a county;
- 21 8. the police department, bureau, or force of a bicounty
22 agency;
- 23 9. the Maryland Transportation Authority Police;
- 24 10. the police forces of the Department of Transportation;
- 25 11. the police forces of the Department of Natural
26 Resources;

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2 Office;

12. the Field Enforcement Bureau of the Comptroller's

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6 Mental Hygiene;

13. the Housing Authority of Baltimore City Police Force;
14. the Crofton Police Department;

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8 Services;

15. the police force of the Department of Health and
16. the police force of the Department of General

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10 and Regulation;

17. the police force of the Department of Labor, Licensing,

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12 Maryland;

18. the police forces of the University System of

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19. the police force of Morgan State University;

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20. the office of State Fire Marshal;

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21. the Ocean Pines Police Department;

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17 College;

22. the police force of the Baltimore City Community

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19 College;

23. the police force of the Hagerstown Community

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21 Public Safety and Correctional Services; or

24. the Internal Investigation Unit of the Department of

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23 Parole and Probation in the Department of Public Safety and Correctional Services.

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

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

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

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

1 (iv) an officer who is in probationary status on initial entry into
2 the 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
5 defined in § 2-208.1 of the Criminal Procedure Article;

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

8 (vii) a Prince George's County fire and explosive investigator as
9 defined in § 2-208.3 of the Criminal Procedure Article;

10 (viii) a Worcester County fire and explosive investigator as
11 defined in § 2-208.4 of the Criminal Procedure Article; or

12 (ix) a City of Hagerstown fire and explosive investigator as
13 defined in § 2-208.5 of the Criminal Procedure Article.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2012.