

SENATE BILL 810

E4, L6

6lr1093

By: **Senator Benson**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Marlow Heights Police Department – Establishment**

3 FOR the purpose of establishing the Marlow Heights Police Department; specifying the
4 purpose, powers, and duties of the Department; specifying that the Department is
5 not an agency of Prince George’s County; specifying that certain persons associated
6 with the Department are not associated with Prince George’s County; establishing
7 that there is a chief of police within the Department; establishing the requirements
8 for and duties of the chief of police; providing that the chief of police serves at the
9 pleasure of a certain entity; specifying that the State and Prince George’s County are
10 not relieved from a duty to provide certain services; providing that a member of the
11 Department has all the powers granted to a certain peace officer and police officer;
12 requiring that the Maryland Police Training Commission and a certain entity adopt
13 rules governing the operation and conduct of the Department; authorizing the
14 Department to apply for, accept, and spend certain funds; including the members of
15 the Department in the defined term “law enforcement officer” in connection with
16 provisions of law relating to certain powers of certain law enforcement officers; and
17 generally relating to the establishment of the Marlow Heights Police Department.

18 BY repealing and reenacting, with amendments,
19 Article – Criminal Procedure
20 Section 2–101(c)(25) and (26)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2015 Supplement)

23 BY adding to
24 Article – Criminal Procedure
25 Section 2–101(c)(27)
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2015 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Health – General
2 Section 18–213(a)(5)(xi) and (xii)
3 Annotated Code of Maryland
4 (2015 Replacement Volume)

5 BY adding to
6 Article – Health – General
7 Section 18–213(a)(5)(xiii)
8 Annotated Code of Maryland
9 (2015 Replacement Volume)

10 BY adding to
11 Article – Local Government
12 Section 9–114
13 Annotated Code of Maryland
14 (2013 Volume and 2015 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 3–101(e)(1)(i) and 3–201(e)(1)(i)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2015 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 3–101(e)(1)(ii)25. and 26. and 3–201(e)(1)(ii)21. and 22.
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2015 Supplement)

25 BY adding to
26 Article – Public Safety
27 Section 3–101(e)(1)(ii)27. and 3–201(e)(1)(ii)23.
28 Annotated Code of Maryland
29 (2011 Replacement Volume and 2015 Supplement)

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

32 **Article – Criminal Procedure**

33 2–101.

34 (c) “Police officer” means a person who in an official capacity is authorized by law
35 to make arrests and is:

36 (25) an employee of the Warrant Apprehension Unit of the Division of Parole
37 and Probation in the Department; [or]

1 (26) a member of the police force of the Anne Arundel Community College;
2 **OR**

3 **(27) A MEMBER OF THE MARLOW HEIGHTS POLICE DEPARTMENT.**

4 **Article – Health – General**

5 18–213.

6 (a) (5) “Law enforcement officer” means any person who, in an official
7 capacity, is authorized by law to make arrests and who is a member of one of the following
8 law enforcement agencies:

9 (xi) The Intelligence and Investigative Division of the Department of
10 Public Safety and Correctional Services; [or]

11 (xii) The Ocean Pines Police Department; **OR**

12 **(XIII) THE MARLOW HEIGHTS POLICE DEPARTMENT.**

13 **Article – Local Government**

14 **9–114.**

15 **(A) IN THIS SECTION, “DEPARTMENT” MEANS THE MARLOW HEIGHTS**
16 **POLICE DEPARTMENT.**

17 **(B) THERE IS A MARLOW HEIGHTS POLICE DEPARTMENT.**

18 **(C) (1) THE DEPARTMENT IS:**

19 **(I) ESTABLISHED TO PROVIDE PROTECTION FOR THE MARLOW**
20 **HEIGHTS COMMUNITY IN PRINCE GEORGE’S COUNTY; AND**

21 **(II) RESPONSIBLE FOR ENFORCING THE APPLICABLE LAWS,**
22 **ORDINANCES, AND REGULATIONS OF PRINCE GEORGE’S COUNTY.**

23 **(2) (I) THE DEPARTMENT IS NOT AN AGENCY OF PRINCE**
24 **GEORGE’S COUNTY.**

25 **(II) THE OFFICERS, EMPLOYEES, AND AGENTS OF THE**
26 **DEPARTMENT ARE NOT OFFICERS, EMPLOYEES, OR AGENTS OF PRINCE GEORGE’S**
27 **COUNTY.**

1 **(III) PRINCE GEORGE'S COUNTY IS NOT RESPONSIBLE FOR THE**
2 **ACTS OR OMISSIONS OF THE DEPARTMENT OR THE OFFICERS, EMPLOYEES, OR**
3 **AGENTS OF THE DEPARTMENT.**

4 **(D) (1) THERE IS A CHIEF OF POLICE OF THE DEPARTMENT.**

5 **(2) THE CHIEF OF POLICE SHALL BE:**

6 **(I) APPOINTED BY THE PRESIDENT OF GELMAN MANAGEMENT**
7 **Co.;**

8 **(II) EXPERIENCED IN THE COMMANDS OF UNIFORMED PATROLS**
9 **AND THE DETECTION AND INVESTIGATION OF CRIME;**

10 **(III) SELECTED SOLELY ON THE BASIS OF QUALIFICATIONS FOR**
11 **THE POSITION; AND**

12 **(IV) RESPONSIBLE DIRECTLY TO THE PRESIDENT OF GELMAN**
13 **MANAGEMENT CO.**

14 **(3) ALL ORDERS TO THE DEPARTMENT FROM THE PRESIDENT OF**
15 **GELMAN MANAGEMENT CO. SHALL BE DIRECTED THROUGH THE CHIEF OF POLICE**
16 **OR THE DESIGNEE OF THE CHIEF OF POLICE.**

17 **(4) (I) THE CHIEF OF POLICE SHALL COMMAND AND ADMINISTER**
18 **THE DEPARTMENT.**

19 **(II) THE DUTIES OF THE CHIEF OF POLICE INCLUDE:**

20 **1. BEING RESPONSIBLE FOR THE EFFICIENCY AND GOOD**
21 **CONDUCT OF THE DEPARTMENT;**

22 **2. OVERSEEING THE GENERAL OPERATION OF THE**
23 **DEPARTMENT;**

24 **3. HIRING EMPLOYEES AND APPOINTING OFFICERS,**
25 **SUBJECT TO THE APPROVAL OF THE PRESIDENT OF GELMAN MANAGEMENT CO.;**
26 **AND**

27 **4. DISCIPLINING EMPLOYEES AND OFFICERS.**

1 **(5) THE CHIEF OF POLICE SHALL SERVE AT THE PLEASURE OF THE**
2 **PRESIDENT OF GELMAN MANAGEMENT CO. AND MAY BE REMOVED BY THE**
3 **PRESIDENT OF GELMAN MANAGEMENT CO.**

4 **(E) (1) A MEMBER OF THE DEPARTMENT HAS ALL THE POWERS GRANTED**
5 **TO A PEACE OFFICER AND A POLICE OFFICER OF THE STATE.**

6 **(2) THE POWERS REFERENCED UNDER PARAGRAPH (1) OF THIS**
7 **SUBSECTION MAY BE EXERCISED ONLY ON PROPERTY WITHIN THE MARLOW**
8 **HEIGHTS COMMUNITY AND NOT ON ANY OTHER PROPERTY UNLESS A MEMBER OF**
9 **THE DEPARTMENT IS:**

10 **(I) ACTING UNDER AN AGREEMENT WITH ANOTHER LAW**
11 **ENFORCEMENT AGENCY;**

12 **(II) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;**

13 **(III) SPECIALLY REQUESTED OR PERMITTED TO DO SO IN A**
14 **POLITICAL SUBDIVISION BY THE CHIEF POLICE OFFICER OF THE POLITICAL**
15 **SUBDIVISION; OR**

16 **(IV) ORDERED TO DO SO BY THE GOVERNOR.**

17 **(3) MEMBERS OF THE DEPARTMENT HAVE CONCURRENT**
18 **JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE LAW**
19 **ENFORCEMENT AGENCIES OF THE STATE AND PRINCE GEORGE'S COUNTY.**

20 **(4) THIS SECTION DOES NOT:**

21 **(I) RELIEVE THE STATE OR THE COUNTY FROM A DUTY TO**
22 **PROVIDE POLICE, FIRE, AND OTHER PUBLIC SAFETY SERVICE AND PROTECTION; OR**

23 **(II) AFFECT THE JURISDICTION OF OTHER POLICE, FIRE, AND**
24 **PUBLIC SAFETY AGENCIES.**

25 **(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
26 **MARYLAND POLICE TRAINING COMMISSION SHALL ADOPT STANDARDS,**
27 **QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING, EDUCATION,**
28 **HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE DEPARTMENT,**
29 **INCLUDING STANDARDS FOR THE PERFORMANCE OF THE DUTIES OF THE**
30 **DEPARTMENT.**

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

2 (i) is authorized to enforce the general criminal laws of the State;

3 and

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

5 21. the parole and probation employees of the Warrant
6 Apprehension Unit of the Division of Parole and Probation in the Department who are
7 authorized to make arrests; [or]

8 22. the police force of the Anne Arundel Community College;

9 **OR**

10 **23. THE MARLOW HEIGHTS POLICE DEPARTMENT.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.