

HOUSE BILL 1504

L2

7lr2960

By: **Delegate Anderson**

Introduced and read first time: February 10, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Control of Baltimore City Police Department**

3 FOR the purpose of providing that the Police Department of Baltimore City is an agency
4 and instrumentality of the City of Baltimore, instead of the State; providing that
5 certain police officers have the authority conferred under a certain provision of law;
6 making a conforming change; and generally relating to the Baltimore City Police
7 Department.

8 BY repealing and reenacting, with amendments,
9 The Public Local Laws of Baltimore City
10 Section 16–2(a) and 16–3
11 Article 4 – Public Local Laws of Maryland
12 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

13 BY repealing and reenacting, with amendments,
14 The Charter of Baltimore City
15 Article II – General Powers
16 Section (27)
17 (2007 Replacement Volume, as amended)

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

20 **Article 4 – Baltimore City**

21 16–2.

22 (a) The Police Department of Baltimore City is hereby constituted and
23 established as an agency and instrumentality of the [State of Maryland] **CITY OF**
24 **BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 safety of all persons within the City of Baltimore, to protect property therein, and to assist
 2 in securing to all persons the equal protection of the laws. The department shall have,
 3 within the boundaries of said City, the specific duty and responsibility to preserve the
 4 public peace; to detect and prevent the commission of crime; to enforce the laws of this
 5 State, and of the Mayor and City Council of Baltimore not inconsistent with the provisions
 6 of this subtitle; to apprehend and arrest criminals and persons who violate or are lawfully
 7 accused of violating such laws and ordinances; to preserve order at public places; to
 8 maintain the orderly flow of traffic on public streets and highways; to assist law
 9 enforcement agencies of this State, any municipality of the United States in carrying out
 10 their respective duties; and to discharge its duties and responsibilities with the dignity and
 11 manner which will inspire public confidence and respect.

12 16–3.

13 (a) All police officers of the department, including such other members thereof
 14 who may be designated by the Commissioner from time to time to exercise the powers and
 15 duties of police officers, shall [be peace officers and shall have the same powers, with
 16 respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs,
 17 constables, police and peace officers possessed at common law and have in their respective
 18 jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in
 19 those areas outside the corporate limits of Baltimore City owned, controlled, operated or
 20 leased by the Mayor and City Council of Baltimore, and against whom criminal process
 21 shall have issued, may be arrested upon the same in any part of the State by police officers
 22 of the department, as constituted and established by this subtitle] **HAVE THE AUTHORITY**
 23 **CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE**
 24 **ANNOTATED CODE OF MARYLAND.**

25 (b) All police officers of the department shall have and enjoy all the immunities
 26 and matters of defense now available, or such as hereafter may be made available, to
 27 sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against
 28 them in consequence of acts done in the course of their official duties.

29 **The Charter of Baltimore City**

30 **Article II – General Powers**

31 The Mayor and City Council of Baltimore shall have full power and authority to
 32 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
 33 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
 34 particular, without limitation upon the foregoing, shall have power by ordinance, or such
 35 other method as may be provided for in its Charter, subject to the provisions of said
 36 Constitution and Public General Laws:

37 (27)

38 To have and exercise within the limits of Baltimore City all the power commonly
 39 known as the Police Power [to the same extent as the State has or could exercise that power

1 within the limits of Baltimore City]; provided, however, that no ordinance of the City or act
2 of any municipal officer, other than an act of the Mayor pursuant to Article IV of this
3 Charter, shall conflict, impede, obstruct, hinder or interfere with the powers of the Police
4 Commissioner.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.