

HOUSE BILL 1169

E2, D2
HB 1403/17 – JUD

8lr1686
CF SB 343

By: **Delegates Anderson, Ali, D. Barnes, Conaway, Gibson, Glenn, Haynes,
R. Lewis, McIntosh, Queen, Rosenberg, and M. Washington**

Introduced and read first time: February 8, 2018

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2018

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Office of State’s Attorney – Authority to Appoint Criminal**
3 **Investigators**

4 FOR the purpose of authorizing the State’s Attorney for Baltimore City to appoint certain
5 criminal investigators, subject to the approval of the Mayor and City Council of
6 Baltimore City; authorizing the State’s Attorney for Baltimore City to designate a
7 chief investigator and assign other ranks and titles to certain criminal investigators
8 under certain circumstances; providing that a criminal investigator who is appointed
9 under this Act shall serve at the pleasure of the State’s Attorney for Baltimore City,
10 is subject to the regulations of the State’s Attorney for Baltimore City, shall perform
11 the duties that the State’s Attorney for Baltimore City designates, shall take a
12 certain oath of office, shall meet certain criteria regarding training and experience,
13 may serve a certain summons or subpoena, may wear or display certain badges, and
14 is not subject to the Law Enforcement Officers’ Bill of Rights; authorizing the State’s
15 Attorney for Baltimore City to designate a criminal investigator as a peace officer
16 under certain circumstances; providing that a criminal investigator designated as a
17 peace officer may not be subject to the Law Enforcement Officers’ Bill of Rights;
18 authorizing a criminal investigator designated as a peace officer to arrest a certain
19 person, and serve a certain warrant, summons, or ~~subpoena, and possess and carry~~
20 ~~a certain firearm~~ subpoena in Baltimore City; including a criminal investigator
21 designated by the Baltimore City State’s Attorney as a peace officer in the definition
22 of police officer for purposes of provisions relating to the Maryland Police Training
23 and Standards Commission; and generally relating to the Office of the State’s
24 Attorney for Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Criminal Procedure
3 Section 15–403.1
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2017 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 3–201(f)(2)
9 Annotated Code of Maryland
10 (2011 Replacement Volume and 2017 Supplement)

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

13 **Article – Criminal Procedure**

14 **15–403.1.**

15 **(A) THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

16 **(B) (1) SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY COUNCIL**
17 **OF BALTIMORE CITY, THE STATE’S ATTORNEY MAY APPOINT FULL–TIME OR**
18 **PART–TIME CRIMINAL INVESTIGATORS.**

19 **(2) IF THE STATE’S ATTORNEY APPOINTS MORE THAN ONE CRIMINAL**
20 **INVESTIGATOR, THE STATE’S ATTORNEY MAY DESIGNATE ONE AS CHIEF**
21 **INVESTIGATOR AND ASSIGN OTHER RANKS AND TITLES TO THE OTHER CRIMINAL**
22 **INVESTIGATORS.**

23 **(3) A CRIMINAL INVESTIGATOR WHO IS APPOINTED UNDER THIS**
24 **SUBSECTION:**

25 **(I) SHALL SERVE AT THE PLEASURE OF THE STATE’S**
26 **ATTORNEY;**

27 **(II) IS SUBJECT TO THE REGULATIONS OF THE STATE’S**
28 **ATTORNEY;**

29 **(III) SHALL PERFORM THE DUTIES THAT THE STATE’S**
30 **ATTORNEY DESIGNATES;**

31 **(IV) SHALL TAKE AN OATH OF OFFICE THAT THE CLERK OF THE**
32 **CIRCUIT COURT ADMINISTERS;**

1 (V) SHALL MEET THE CRITERIA REGARDING TRAINING AND
2 EXPERIENCE THAT THE STATE'S ATTORNEY REQUIRES;

3 (VI) MAY SERVE A SUMMONS OR SUBPOENA THAT THE STATE'S
4 ATTORNEY ISSUES;

5 (VII) MAY WEAR OR DISPLAY APPROPRIATE METALLIC BADGES
6 THAT THE STATE'S ATTORNEY AUTHORIZES; AND

7 (VIII) IS NOT SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC
8 SAFETY ARTICLE.

9 (4) THE STATE'S ATTORNEY MAY DESIGNATE A CRIMINAL
10 INVESTIGATOR AS A PEACE OFFICER IF THE CRIMINAL INVESTIGATOR ~~MEETS THE~~
11 ~~SELECTION AND TRAINING STANDARDS OF THE POLICE TRAINING~~ IS CERTIFIED BY
12 THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION AS SET FORTH IN
13 TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

14 (5) A CRIMINAL INVESTIGATOR DESIGNATED AS A PEACE OFFICER
15 MAY NOT BE SUBJECT TO TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

16 (6) IN ADDITION TO THE AUTHORITY, DUTIES, AND LIMITATIONS
17 DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION, A CRIMINAL
18 INVESTIGATOR DESIGNATED AS A PEACE OFFICER MAY:

19 (I) ARREST A PERSON WHO COMMITS A CRIME IN BALTIMORE
20 CITY; AND

21 (II) SERVE A WARRANT, SUMMONS, OR SUBPOENA IN
22 BALTIMORE CITY THAT THE DISTRICT COURT OF MARYLAND FOR BALTIMORE
23 CITY OR A CIRCUIT COURT ISSUES; ~~AND.~~

24 ~~(III) POSSESS AND CARRY A FIREARM, INCLUDING A HANDGUN,~~
25 ~~OR ANY OTHER WEAPON THAT THE STATE'S ATTORNEY REQUIRES.~~

26 ARTICLE – PUBLIC SAFETY

27 3-201.

28 (f) (2) “Police officer” includes:

29 (i) a member of the Field Enforcement Bureau of the Comptroller's
30 Office;

- 1 (ii) the State Fire Marshal or a deputy State fire marshal;
- 2 (iii) an investigator of the Intelligence and Investigative Division of
3 the Department;
- 4 (iv) a Montgomery County fire and explosive investigator as defined
5 in § 2–208.1 of the Criminal Procedure Article;
- 6 (v) an Anne Arundel County or City of Annapolis fire and explosive
7 investigator as defined in § 2–208.2 of the Criminal Procedure Article;
- 8 (vi) a Prince George’s County fire and explosive investigator as
9 defined in § 2–208.3 of the Criminal Procedure Article;
- 10 (vii) a Worcester County fire and explosive investigator as defined in
11 § 2–208.4 of the Criminal Procedure Article;
- 12 (viii) a City of Hagerstown fire and explosive investigator as defined
13 in § 2–208.5 of the Criminal Procedure Article; [and]
- 14 (ix) a Howard County fire and explosive investigator as defined in §
15 2–208.6 of the Criminal Procedure Article; AND
- 16 (X) A CRIMINAL INVESTIGATOR DESIGNATED BY THE
17 BALTIMORE CITY STATE’S ATTORNEY AS A PEACE OFFICER UNDER § 15–403.1 OF
18 THE CRIMINAL PROCEDURE ARTICLE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.