

HOUSE BILL 278

L2

9lr1634

By: **Delegates Branch, Anderson, Glenn, and McIntosh**

Introduced and read first time: January 25, 2019

Assigned to: Environment and Transportation and Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

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

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 and generally relating to the Police Department of Baltimore City.

7 BY repealing and reenacting, with amendments,

8 The Public Local Laws of Baltimore City

9 Section 16–2(a) and 16–3

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 MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article 4 – Baltimore City**

15 16–2.

16 (a) The Police Department of Baltimore City is hereby constituted and
17 established as an agency and instrumentality of the [State of Maryland] **CITY OF**
18 **BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and
19 safety of all persons within the City of Baltimore, to protect property therein, and to assist
20 in securing to all persons the equal protection of the laws. The department shall have,

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

10 16–3.

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.