

HOUSE BILL 370

E4

9lr0047

By: **Chair, Appropriations Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 30, 2019

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation – Police Force – Repeal**

3 FOR the purpose of altering the definition of “police officer” in connection with provisions
4 of law relating to the authority to make arrests to remove a member of the
5 Department of Labor, Licensing, and Regulation Police Force; altering the definition
6 of “law enforcement officer” in connection with provisions of law relating to the
7 Maryland Police Training and Standards Commission and the Law Enforcement
8 Officers’ Bill of Rights to remove a member of the Department of Labor, Licensing,
9 and Regulation Police Force; altering the membership of the Law Enforcement
10 Officers’ Pension System to remove a member of the Department of Labor, Licensing,
11 and Regulation Police Force; altering the jurisdiction of the Maryland Capitol Police
12 of the Department of General Services to include certain buildings and grounds
13 administered by the Department of Labor, Licensing, and Regulation on a certain
14 date; providing for the transfer of certain functions, powers, and duties of the
15 Department of Labor, Licensing, and Regulation Police Force to the Maryland
16 Capitol Police of the Department of General Services on a certain date; providing for
17 the transfer of certain employees to the Maryland Capitol Police of the Department
18 of General Services without diminution of certain rights, benefits, or employment or
19 retirement status; requiring the publisher of the Annotated Code of Maryland, in
20 consultation with and subject to the approval of the Department of Legislative
21 Services, to correct any cross–references or terminology rendered incorrect by this
22 Act and to describe any such corrections in an editor’s note following the section
23 affected; and generally relating to the Department of Labor, Licensing, and
24 Regulation Police Force.

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 repealing and reenacting, without amendments,
2 Article – Public Safety
3 Section 3–101(a) and 3–201(a)
4 Annotated Code of Maryland
5 (2018 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article – Public Safety
8 Section 3–101(e)(1) and 3–201(f)(1)
9 Annotated Code of Maryland
10 (2018 Replacement Volume)

11 BY repealing and reenacting, without amendments,
12 Article – Criminal Procedure
13 Section 2–101(a)
14 Annotated Code of Maryland
15 (2018 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 2–101(c)
19 Annotated Code of Maryland
20 (2018 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article – State Finance and Procurement
23 Section 4–601 and 4–605
24 Annotated Code of Maryland
25 (2015 Replacement Volume and 2018 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Personnel and Pensions
28 Section 26–201 and 26–202(b)(1)
29 Annotated Code of Maryland
30 (2015 Replacement Volume and 2018 Supplement)

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

33 **Article – Public Safety**

34 3–101.

35 (a) In this subtitle the following words have the meanings indicated.

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

- 1 (i) in an official capacity is authorized by law to make arrests; and
- 2 (ii) is a member of one of the following law enforcement agencies:
 - 3 1. the Department of State Police;
 - 4 2. the Police Department of Baltimore City;
 - 5 3. the Baltimore City School Police Force;
 - 6 4. the Baltimore City Watershed Police Force;
 - 7 5. the police department, bureau, or force of a county;
 - 8 6. the police department, bureau, or force of a municipal
 - 9 corporation;
 - 10 7. the office of the sheriff of a county;
 - 11 8. the police department, bureau, or force of a bicounty
 - 12 agency;
 - 13 9. the Maryland Transportation Authority Police;
 - 14 10. the police forces of the Department of Transportation;
 - 15 11. the police forces of the Department of Natural Resources;
 - 16 12. the Field Enforcement Bureau of the Comptroller's Office;
 - 17 13. the Housing Authority of Baltimore City Police Force;
 - 18 14. the Crofton Police Department;
 - 19 15. the police force of the Maryland Department of Health;
 - 20 16. the police force of the Maryland Capitol Police of the
 - 21 Department of General Services;
 - 22 17. [the police force of the Department of Labor, Licensing,
 - 23 and Regulation;
 - 24 18.] the police forces of the University System of Maryland;
 - 25 [19.] 18. the police force of Morgan State University;

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[20.] 19. the office of State Fire Marshal;

[21.] 20. the Ocean Pines Police Department;

[22.] 21. the police force of the Baltimore City Community
College;

[23.] 22. the police force of the Hagerstown Community
College;

[24.] 23. the Internal Investigation Unit of the Department
of Public Safety and Correctional Services;

[25.] 24. the Warrant Apprehension Unit of the Division of
Parole and Probation in the Department of Public Safety and Correctional Services; or

[26.] 25. the police force of the Anne Arundel Community
College.

3–201.

(a) In this subtitle the following words have the meanings indicated.

(f) (1) “Police officer” means an individual who:

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

and

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

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the police department, bureau, or force of a county;

4. the police department, bureau, or force of a municipal
corporation;

5. the Maryland Transit Administration police force;

6. the Maryland Transportation Authority Police;

7. the police forces of the University System of Maryland;

8. the police force of Morgan State University;

9. the office of the sheriff of a county;

10. the police forces of the Department of Natural Resources;

11. the police force of the Maryland Capitol Police of the Department of General Services;

12. the police force of a State, county, or municipal corporation if the special police officers are appointed under Subtitle 3 of this title;

13. the Housing Authority of Baltimore City Police Force;

14. the Baltimore City School Police Force;

15. the Crofton Police Department;

16. [the police force of the Department of Labor, Licensing, and Regulation;

17.] the Washington Suburban Sanitary Commission Police Force;

[18.] 17. the Ocean Pines Police Department;

[19.] 18. the police force of the Baltimore City Community College;

[20.] 19. the police force of the Hagerstown Community College;

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

[22.] 21. the police force of the Anne Arundel Community College.

Article – Criminal Procedure

2–101.

(a) In this title the following words have the meanings indicated.

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

- 1 (1) a member of the Department of State Police;
- 2 (2) a member of the Police Department of Baltimore City;
- 3 (3) a member of the Baltimore City School Police Force;
- 4 (4) a member of the police department, bureau, or force of a county;
- 5 (5) a member of the police department, bureau, or force of a municipal
6 corporation;
- 7 (6) a member of the Maryland Transit Administration Police Force or
8 Maryland Transportation Authority Police Force;
- 9 (7) a member of the University System of Maryland Police Force or Morgan
10 State University Police Force;
- 11 (8) a special police officer who is appointed to enforce the law and maintain
12 order on or protect property of the State or any of its units;
- 13 (9) a member of the Maryland Capitol Police of the Department of General
14 Services;
- 15 (10) the sheriff of a county whose usual duties include the making of arrests;
- 16 (11) a regularly employed deputy sheriff of a county who is compensated by
17 the county and whose usual duties include the making of arrests;
- 18 (12) a member of the Natural Resources Police Force of the Department of
19 Natural Resources;
- 20 (13) an authorized employee of the Field Enforcement Bureau of the
21 Comptroller's Office;
- 22 (14) a member of the Maryland–National Capital Park and Planning
23 Commission Park Police;
- 24 (15) a member of the Housing Authority of Baltimore City Police Force;
- 25 (16) a member of the Crofton Police Department;
- 26 (17) a member of the WMATA Metro Transit Police, subject to the
27 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area
28 Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;
- 29 (18) a member of the Intelligence and Investigative Division of the
30 Department;

1 (19) a member of the State Forest and Park Service Police Force of the
2 Department of Natural Resources;

3 (20) [a member of the Department of Labor, Licensing, and Regulation
4 Police Force;

5 (21)] a member of the Washington Suburban Sanitary Commission Police
6 Force;

7 [(22)] (21) a member of the Ocean Pines Police Department;

8 [(23)] (22) a member of the police force of the Baltimore City Community
9 College;

10 [(24)] (23) a member of the police force of the Hagerstown Community
11 College;

12 [(25)] (24) an employee of the Warrant Apprehension Unit of the Division
13 of Parole and Probation in the Department; or

14 [(26)] (25) a member of the police force of the Anne Arundel Community
15 College.

16 Article – State Finance and Procurement

17 4-601.

18 The Department has jurisdiction over and full police authority for the enforcement
19 of the criminal laws and the parking and motor vehicle laws as to the operation,
20 maintenance, and protection of:

21 (1) buildings and grounds that, on June 30, 1984, were administered by the
22 Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area
23 that encompasses 1,000 feet in any direction from the boundary of those buildings and
24 grounds;

25 (2) buildings and grounds that, on June 30, 1984, were administered by the
26 Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area
27 that encompasses 1,000 feet in any direction from the boundary of those buildings and
28 grounds;

29 (3) multiservice centers designated by law or by the Board of Public Works
30 and extending to the surrounding area that encompasses 1,000 feet in any direction from
31 the boundary of those multiservice centers; [and]

1 (4) BUILDINGS AND GROUNDS THAT, ON JUNE 30, 2019, WERE
2 ADMINISTERED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION,
3 AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN
4 ANY DIRECTION FROM THE BOUNDARY OF THOSE BUILDINGS; AND

5 (5) other public improvements or grounds designated by law or by the
6 Board of Public Works.

7 4-605.

8 (a) (1) In accordance with the provisions of the State Personnel and Pensions
9 Article, the Secretary may establish a police and security force, known as the Maryland
10 Capitol Police of the Department of General Services, to protect people and property on or
11 about improvements, grounds, and multiservice centers under the jurisdiction of the
12 Department, and in the surrounding areas of the buildings and grounds in [Annapolis and
13 Baltimore City] **THE STATE** as described in § 4-601(1), (2), [and] (3), **AND (4)** of this
14 subtitle.

15 (2) The Maryland Capitol Police of the Department of General Services
16 may include sworn police officers.

17 (b) A member of the Maryland Capitol Police of the Department of General
18 Services may not be involuntarily transferred from a site to another site.

19 (c) A member of the Maryland Capitol Police of the Department of General
20 Services has the same powers as a sheriff or police officer under § 2-101 of the Criminal
21 Procedure Article only if the member:

22 (1) meets the legal requirements set forth by the Maryland Police Training
23 and Standards Commission; and

24 (2) is designated by the Department as a police officer.

25 Article – State Personnel and Pensions

26 26-201.

27 (a) Except as provided in subsection (b) of this section, this subtitle applies only
28 to:

29 (1) an employee of the Department of Natural Resources commissioned by
30 the Secretary of Natural Resources as:

31 (i) a Natural Resources police officer; or

32 (ii) a law enforcement officer, other than a Natural Resources police

1 officer;

2 (2) a law enforcement officer employed by the Field Enforcement Bureau;

3 (3) a member of the Maryland Transportation Authority Police Force who
4 has the powers granted to a police officer under § 4–208 of the Transportation Article;

5 (4) a deputy sheriff employed by the Baltimore City Sheriff’s Department;

6 (5) a member of the University System of Maryland Police Force who has
7 the powers granted to a police officer under § 13–601 of the Education Article;

8 (6) a law enforcement officer or firefighter employed by a participating
9 governmental unit that on or after July 1, 1999 has elected to participate in the Law
10 Enforcement Officers’ Pension System;

11 (7) the State Fire Marshal or a Deputy State Fire Marshal;

12 (8) a member of the Morgan State University Police Force who has the
13 powers granted to a police officer under § 14–106 of the Education Article;

14 (9) a member of the BWI Airport Fire & Rescue Department;

15 (10) a member of the Maryland Capitol Police of the Department of General
16 Services who has the powers granted to a police officer under § 4–605 of the State Finance
17 and Procurement Article;

18 (11) an employee of the Maryland Department of Health commissioned by
19 the Secretary of Health as a Maryland Department of Health police officer;

20 (12) an employee of the Motor Vehicle Administration commissioned by the
21 Secretary of Transportation as a Motor Vehicle Administration police officer;

22 (13) [an employee of the Department of Labor, Licensing, and Regulation
23 commissioned by the Secretary of Labor, Licensing, and Regulation as a Labor, Licensing,
24 and Regulation police officer;

25 (14)] a firefighter or law enforcement officer for the Martin State Airport
26 employed by the Military Department;

27 [(15)] (14) a police officer employed by the Division of Rehabilitation
28 Services in the Department of Education, certified in accordance with the Maryland Police
29 and Correctional Training Commissions;

30 [(16)] (15) a firefighter or paramedic employed by the Salisbury Fire
31 Department who is eligible to be a member as provided in Title 31, Subtitle 2A of this
32 article;

1 ~~[(17)]~~ **(16)** an aviator employed by the Department of State Police to operate
2 an aircraft for the State Emergency Medical System;

3 ~~[(18)]~~ **(17)** a member of the Maryland Transit Administration Police Force
4 who has the powers granted to a police officer under § 7–207 of the Transportation Article;

5 ~~[(19)]~~ **(18)** an individual who is elected or appointed as the Baltimore City
6 Sheriff and who does not elect to join the Employees' Pension System under Title 23 of this
7 article within 6 months of the date the individual begins serving as the Baltimore City
8 Sheriff;

9 ~~[(20)]~~ **(19)** a member of the Department of Public Safety and Correctional
10 Services Intelligence and Investigative Division who has the powers granted to a police
11 officer under § 10–701 of the Correctional Services Article;

12 ~~[(21)]~~ **(20)** a police officer employed by the Baltimore City Community
13 College who has the power granted to a police officer under § 16–513 of the Education
14 Article; or

15 ~~[(22)]~~ **(21)** an employee of the Warrant Apprehension Unit of the Division
16 of Parole and Probation in the Department of Public Safety and Correctional Services who
17 has the powers granted to a peace officer or police officer under § 6–106 of the Correctional
18 Services Article.

19 (b) This subtitle does not apply to:

20 (1) a Maryland Transportation Authority police officer who transferred
21 from the Employees' Retirement System to the Employees' Pension System on or after
22 December 1, 1996;

23 (2) a deputy sheriff employed by the Baltimore City Sheriff's Department
24 who transferred from the Employees' Retirement System to the Employees' Pension System
25 on or after December 1, 1996;

26 (3) a member of the University System of Maryland Police Force who
27 transferred from the Employees' Retirement System to the Employees' Pension System on
28 or after December 1, 1997;

29 (4) a law enforcement officer or firefighter employed by a participating
30 governmental unit who transferred from the Employees' Retirement System to the
31 Employees' Pension System on or after December 1, 1997;

32 (5) a Maryland Port Administration police officer who transferred from the
33 Employees' Retirement System to the Employees' Pension System on or after December 1,
34 1997;

1 (6) a State Fire Marshal or Deputy State Fire Marshal who transferred
2 from the Employees' Retirement System to the Employees' Pension System on or after
3 December 1, 1996;

4 (7) a member of the Morgan State University Police Force who transferred
5 from the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1997;

7 (8) a member of the BWI Airport Fire & Rescue Department who
8 transferred from the Employees' Retirement System to the Employees' Pension System on
9 or after April 1, 1998;

10 (9) a member of the Maryland Capitol Police of the Department of General
11 Services, Maryland Department of Health, **OR** Motor Vehicle Administration[, or
12 Department of Labor, Licensing, and Regulation Police Force] who transferred from the
13 Employees' Retirement System to the Employees' Pension System on or after April 1, 1998;

14 (10) a firefighter or law enforcement officer for the Martin State Airport
15 employed by the Military Department who transferred from the Employees' Retirement
16 System to the Employees' Pension System on or after April 1, 1998;

17 (11) a police officer employed by the Division of Rehabilitation Services in
18 the Department of Education who:

19 (i) is certified in accordance with the Maryland Police and
20 Correctional Training Commissions; and

21 (ii) transferred from the Employees' Retirement System to the
22 Employees' Pension System on or after April 1, 1998;

23 (12) a firefighter or paramedic employed by the Salisbury Fire Department
24 who transferred from the Employees' Retirement System to the Employees' Pension System
25 on or after April 1, 1998;

26 (13) an aviator employed by the Department of State Police to operate an
27 aircraft for the State Emergency Medical System who transferred from the Employees'
28 Retirement System to the Employees' Pension System on or after April 1, 1998; or

29 (14) a police officer employed by the Baltimore City Community College who
30 transferred from the Employees' Retirement System to the Employees' Pension System on
31 or after December 1, 1996.

32 26–202.

33 (b) (1) Subject to paragraph (2) of this subsection, membership in the Law
34 Enforcement Officers' Pension System is optional for an individual described in § 26–201 of

1 this subtitle:

2 (i) who was employed by the Department of Natural Resources on
3 July 1, 1990 and who elects membership on or before December 31, 2002;

4 (ii) who was employed by the Field Enforcement Division on June
5 30, 1995 and who elects membership on or before December 31, 2002;

6 (iii) who was employed by the Maryland Transportation Authority on
7 June 30, 1997 and who elects membership on or before December 31, 2002;

8 (iv) who was employed by the Baltimore City Sheriff's Department
9 on June 30, 1997 and who elects membership on or before December 31, 2002;

10 (v) who was employed by the University System of Maryland Police
11 Force on June 30, 1999 and who elects membership on or before December 31, 2002;

12 (vi) who is employed by a participating governmental unit on the
13 effective date of participation:

14 1. on or after July 1, 1999, but before July 1, 2017, for that
15 participating governmental unit and who elects membership within 6 months of the
16 effective date of participation; or

17 2. on or after July 1, 2017, for that participating
18 governmental unit and who elects membership before the effective date of participation;

19 (vii) who was employed by the Maryland Port Administration Police
20 Force and was subsequently transferred to and employed by the Maryland Transportation
21 Authority Police Force on July 1, 1998 and who elects membership on or before December
22 31, 2002;

23 (viii) who was employed by the office of the State Fire Marshal on June
24 30, 1998 and who elects membership on or before December 31, 2002;

25 (ix) who was employed by the Morgan State University Police Force
26 on June 30, 1999 and who elects membership on or before December 31, 2002;

27 (x) who was employed by the BWI Airport Fire & Rescue
28 Department on June 30, 2000, and who elects membership on or before December 31, 2002;

29 (xi) who was employed by the Department of General Services,
30 Maryland Department of Health, **OR** Motor Vehicle Administration[, and Department of
31 Labor, Licensing, and Regulation Police Force] on June 30, 2000 and who elects
32 membership on or before December 31, 2002;

33 (xii) who was employed by the Military Department as a firefighter at

1 Martin State Airport on June 30, 2001, and who elects membership on or before December
2 31, 2002;

3 (xiii) who was employed on June 30, 2002, by the Division of
4 Rehabilitation Services in the Department of Education as a police officer certified in
5 accordance with the Maryland Police and Correctional Training Commissions, and who
6 elects membership on or before December 31, 2002;

7 (xiv) who was employed on June 30, 2004, by the Salisbury Fire
8 Department as a firefighter or paramedic and who elects membership on or before
9 December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

10 (xv) who was employed on June 30, 2005, by the Department of State
11 Police as an aviator operating an aircraft for the State Emergency Medical System, and
12 who elects membership on or before December 31, 2005;

13 (xvi) who was employed by the Military Department as a law
14 enforcement officer at Martin State Airport on June 30, 2007, and who elects membership
15 on or before December 31, 2007;

16 (xvii) who was a member of the Department of Public Safety and
17 Correctional Services Intelligence and Investigative Division who has powers granted to a
18 police officer under § 10–701 of the Correctional Services Article on June 30, 2007, and who
19 elects membership on or before December 31, 2007;

20 (xviii) who was employed on July 1, 2008, as a police officer by the
21 Baltimore City Community College Police Force and who elects membership on or before
22 December 31, 2008; or

23 (xix) who was an employee of the Warrant Apprehension Unit of the
24 Division of Parole and Probation in the Department of Public Safety and Correctional
25 Services who has powers granted to a peace officer or police officer under § 6–106 of the
26 Correctional Services Article on June 30, 2015, and who elects membership on or before
27 December 31, 2015.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
29 Annotated Code of Maryland, in consultation with and subject to the approval of the
30 Department of Legislative Services, shall correct, with no further action required by the
31 General Assembly, cross–references and terminology rendered incorrect by this Act. The
32 publisher shall adequately describe any correction made in an editor’s note following the
33 section affected.

34 SECTION 3. AND BE IT FURTHER ENACTED, That the functions, powers, and
35 duties of the Department of Labor, Licensing, and Regulation Police Force shall be
36 transferred from the Department of Labor, Licensing, and Regulation to the Maryland
37 Capitol Police of the Department of General Services on the effective date of this Act.

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1 SECTION 4. AND BE IT FURTHER ENACTED, That all employees who are
2 transferred to the Maryland Capitol Police of the Department of General Services as a
3 result of this Act shall be transferred on the effective date of this Act, without any
4 diminution of their rights, including collective bargaining rights, benefits, and employment
5 or retirement status.

6 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.