

SENATE BILL 717

F2, E4

9lr2724

By: **Senator Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Independent Institutions of Higher Education – Police Force**

3 FOR the purpose of authorizing an independent institution of higher education to establish
4 a campus police force based on a certain memorandum of understanding; requiring
5 a certain memorandum of understanding to contain certain agreements and
6 requirements; authorizing a police officer of a campus police force of an independent
7 institution of higher education to exercise the powers granted to a peace and police
8 officer only on certain property with certain exceptions; requiring an independent
9 institution of higher education that establishes a campus police force, in consultation
10 with the Secretary of State Police and the Maryland Police Training and Standards
11 Commission, to adopt certain standards, qualifications, and prerequisites;
12 authorizing an independent institution of higher education that establishes a
13 campus police force to continue to make use of a campus security force or building
14 guards; requiring an independent institution of higher education that establishes a
15 campus police force to submit a certain annual report; including a member of a
16 campus police force of an independent institution of higher education in the defined
17 term “police officer” in connection with provisions of law relating to the authority to
18 make arrests and the Maryland Police Training and Standards Commission;
19 including a member of a campus police force of an independent institution of higher
20 education in the defined term “law enforcement officer” in connection with provisions
21 of law relating to the Law Enforcement Officers’ Bill of Rights; and generally relating
22 to a police force of an independent institution of higher education.

23 BY repealing and reenacting, without amendments,

24 Article – Criminal Procedure

25 Section 2–101(a)

26 Annotated Code of Maryland

27 (2018 Replacement Volume)

28 BY repealing and reenacting, with amendments,

29 Article – Criminal Procedure

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–101(c)(25) and (26)
2 Annotated Code of Maryland
3 (2018 Replacement Volume)

4 BY adding to
5 Article – Criminal Procedure
6 Section 2–101(c)(27)
7 Annotated Code of Maryland
8 (2018 Replacement Volume)

9 BY adding to
10 Article – Education
11 Section 10–211.1
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 3–101(a) and (e)(1)(i) and 3–201(a) and (f)(1)(i)
17 Annotated Code of Maryland
18 (2018 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 3–101(e)(1)(ii)25. and 26. and 3–201(f)(1)(ii)21. and 22.
22 Annotated Code of Maryland
23 (2018 Replacement Volume)

24 BY adding to
25 Article – Public Safety
26 Section 3–101(e)(1)(ii)27. and 3–201(f)(1)(ii)23.
27 Annotated Code of Maryland
28 (2018 Replacement Volume)

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

31 **Article – Criminal Procedure**

32 2–101.

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

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

1 and Probation in the Department; [or]

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

4 (27) A MEMBER OF THE CAMPUS POLICE FORCE OF AN INDEPENDENT
5 INSTITUTION OF HIGHER EDUCATION ESTABLISHED IN ACCORDANCE WITH §
6 10-211.1 OF THE EDUCATION ARTICLE.

7 Article – Education

8 10-211.1.

9 (A) (1) AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION MAY
10 ESTABLISH A CAMPUS POLICE FORCE BASED ON A MEMORANDUM OF
11 UNDERSTANDING ENTERED INTO BY THE INSTITUTION AND THE LOCAL
12 JURISDICTION IN WHICH THE INSTITUTION IS LOCATED.

13 (2) A MEMORANDUM OF UNDERSTANDING ENTERED INTO BY THE
14 INSTITUTION AND THE LOCAL JURISDICTION IN WHICH THE INSTITUTION IS
15 LOCATED SHALL:

16 (I) ACKNOWLEDGE THAT THE CAMPUS POLICE FORCE IS NOT
17 RECOGNIZED UNDER THE PROVISIONS OF § 3-402 OF THE STATE PERSONNEL AND
18 PENSIONS ARTICLE;

19 (II) RECOGNIZE THAT THE INSTITUTION HIRES AND ASSIGNS
20 EMPLOYEES TO POSITIONS DEEMED NECESSARY AT THE DISCRETION OF THE
21 INSTITUTION, AND THAT THE INSTITUTION IS RESPONSIBLE FOR DEFINING AND
22 ENFORCING EMPLOYMENT CONDITIONS;

23 (III) 1. REQUIRE THAT ALL CAMPUS POLICE OFFICERS MUST
24 SUCCESSFULLY COMPLETE TRAINING THAT SATISFIES POLICE OFFICER TRAINING
25 UNDER TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE; AND

26 2. AUTHORIZE THE INSTITUTION TO SEEK AND OBTAIN
27 ADDITIONAL TRAINING FOR CAMPUS POLICE OFFICERS AT THE DISCRETION AND
28 THE EXPENSE OF THE INSTITUTION;

29 (IV) 1. RECOGNIZE THAT ALL PERSONS HIRED UNDER THE
30 MEMORANDUM OF UNDERSTANDING WILL BE COMPENSATED BY THE INSTITUTION
31 AND THAT THE INSTITUTION WILL SUPPLY THESE PERSONS WITH THE SAME
32 BENEFITS AS OTHER PERSONS EMPLOYED BY THE INSTITUTION; AND

1 **2. RELIEVE THE LOCAL JURISDICTION IN WHICH THE**
2 **INSTITUTION IS LOCATED OF ANY AND ALL INSTITUTION EMPLOYEE COMPENSATION**
3 **AND BENEFIT DUTIES; AND**

4 **(v) REQUIRE THE INSTITUTION TO ACKNOWLEDGE AND**
5 **ENSURE CONSTITUTIONAL AND COMMUNITY ORIENTED POLICING THROUGH THE**
6 **ADOPTION OF POLICIES, PRACTICES, AND TRAINING THAT:**

7 **1. PROMOTE RECRUITING AND HIRING OF DIVERSE**
8 **CANDIDATES, USING LOCAL HIRING AND RESIDENCY INITIATIVES WHEN POSSIBLE;**

9 **2. ADVANCE IMPARTIAL AND NONDISCRIMINATORY**
10 **POLICING TO PREVENT PROFILING AND IMPLICIT BIAS BASED ON RACIAL, ETHNIC,**
11 **SEXUAL, RELIGIOUS, OR OTHER CHARACTERISTICS;**

12 **3. PROMOTE LAWFUL AND APPROPRIATE**
13 **INTERACTIONS WITH MINORS;**

14 **4. ENSURE APPROPRIATE USE OF FORCE, INCLUDING**
15 **THE USE OF DE-ESCALATION TECHNIQUES AND, FOR ANY CAMPUS POLICE OFFICER**
16 **WHO CARRIES A FIREARM, THE CARRYING AND USE OF NONLETHAL OR LESS LETHAL**
17 **WEAPONS;**

18 **5. PROMOTE LAWFUL AND APPROPRIATE**
19 **INTERACTIONS WITH INDIVIDUALS WITH BEHAVIORAL HEALTH DISABILITIES OR**
20 **THOSE WHO ARE IN CRISIS;**

21 **6. ENSURE ADOPTION OF APPROPRIATE AND**
22 **EFFECTIVE USE OF TECHNOLOGY, INCLUDING BODY-WORN CAMERAS AND OTHER**
23 **RECORDING DEVICES;**

24 **7. ENSURE SAFE AND HUMANE TREATMENT OF PERSONS**
25 **IN CUSTODY;**

26 **8. SUPPORT THE LAWFUL EXERCISE OF RIGHTS OF FREE**
27 **EXPRESSION, ESPECIALLY IN THE CONTEXT OF AN INSTITUTION'S COMMUNITY;**

28 **9. BUILD TRUST BETWEEN VICTIMS OF SEXUAL ASSAULT**
29 **AND THE CAMPUS POLICE FORCE AND OTHER OFFICIALS, CONSISTENT WITH THE**
30 **INSTITUTION'S POLICY AND FEDERAL AND STATE LAW;**

31 **10. PROMOTE COMMUNITY ENGAGEMENT AND REQUIRE**
32 **THE INSTITUTION TO REPORT ANNUALLY TO THE COMMUNITY REGARDING THE**

1 INSTITUTION'S COMMUNITY ENGAGEMENT PLANS; AND

2 11. ESTABLISH A PROCESS TO ALLOW ANY PERSON,
3 INCLUDING MEMBERS OF THE CAMPUS POLICE FORCE, TO FILE COMPLAINTS
4 AGAINST CAMPUS POLICE OFFICERS AND ENSURE TIMELY INVESTIGATION OF ALL
5 COMPLAINTS.

6 (B) (1) A CAMPUS POLICE OFFICER AUTHORIZED UNDER THIS SECTION
7 HAS THE POWERS GRANTED TO A PEACE AND POLICE OFFICER.

8 (2) (I) A CAMPUS POLICE OFFICER AUTHORIZED UNDER THIS
9 SECTION MAY EXERCISE THESE POWERS ONLY ON PROPERTY THAT IS OWNED,
10 LEASED, OPERATED BY, OR UNDER THE CONTROL OF THE INDEPENDENT
11 INSTITUTION OF HIGHER EDUCATION BY WHICH THE OFFICER IS EMPLOYED.

12 (II) THE CAMPUS POLICE OFFICER MAY NOT EXERCISE THESE
13 POWERS ON ANY OTHER PROPERTY UNLESS:

14 1. ENGAGED IN FRESH PURSUIT OF A SUSPECTED
15 OFFENDER;

16 2. REQUESTED OR AUTHORIZED TO DO SO BY THE LOCAL
17 JURISDICTION IN WHICH THE INSTITUTION IS LOCATED;

18 3. NECESSARY TO FACILITATE THE ORDERLY FLOW OF
19 TRAFFIC TO AND FROM PROPERTY OWNED, LEASED, OPERATED BY, OR UNDER THE
20 CONTROL OF THE INDEPENDENT INSTITUTION OF HIGHER EDUCATION BY WHICH
21 THE OFFICER IS EMPLOYED; OR

22 4. ORDERED TO DO SO BY THE GOVERNOR.

23 (C) IF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION
24 ESTABLISHES A CAMPUS POLICE FORCE UNDER THIS SECTION, THE INSTITUTION
25 SHALL:

26 (1) IN CONSULTATION WITH THE SECRETARY OF STATE POLICE AND
27 THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, ADOPT
28 STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING,
29 EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE CAMPUS
30 POLICE OFFICERS, INCLUDING STANDARDS FOR THE PERFORMANCE OF THEIR
31 DUTIES; AND

32 (2) TO THE EXTENT PRACTICABLE, ADOPT STANDARDS THAT ARE

1 SIMILAR TO THE STANDARDS ADOPTED FOR THE DEPARTMENT OF STATE POLICE.

2 (D) IF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION
3 ESTABLISHES A CAMPUS POLICE FORCE UNDER THIS SECTION, THE INSTITUTION
4 MAY CONTINUE TO MAKE USE OF A CAMPUS SECURITY FORCE OR BUILDING GUARDS
5 IN ADDITION TO A CAMPUS POLICE FORCE.

6 (E) IF AN INDEPENDENT INSTITUTION OF HIGHER EDUCATION
7 ESTABLISHES A CAMPUS POLICE FORCE UNDER THIS SECTION, ON OR BEFORE
8 OCTOBER 1 EACH YEAR, THE INSTITUTION SHALL SUBMIT A REPORT TO THE LOCAL
9 JURISDICTION IN WHICH THE INSTITUTION IS LOCATED, AND, IN ACCORDANCE WITH
10 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE
11 ACTIVITIES OF THE CAMPUS POLICE FORCE, INCLUDING:

12 (1) THE TOTAL NUMBER OF CAMPUS POLICE OFFICERS EMPLOYED BY
13 THE INSTITUTION;

14 (2) THE AMOUNT OF FUNDS USED TO MAINTAIN THE CAMPUS POLICE
15 FORCE;

16 (3) THE TYPE AND TOTAL NUMBER OF CRIMES FOR WHICH
17 INDIVIDUALS WERE ARRESTED BY A CAMPUS POLICE OFFICER;

18 (4) THE NUMBER, TYPE, AND DISPOSITION OF COMPLAINTS FILED
19 AGAINST CAMPUS POLICE OFFICERS AND THE NUMBER AND TYPE OF
20 COMPLAINANTS, INCLUDING STUDENTS, FACULTY, STAFF, OR PERSONS
21 UNAFFILIATED WITH THE INSTITUTION;

22 (5) A DESCRIPTION OF THE COMPLAINT REVIEW PROCESS THE
23 INSTITUTION USES TO REVIEW A COMPLAINT FILED AGAINST A CAMPUS POLICE
24 OFFICER; AND

25 (6) A DESCRIPTION OF AND THE NUMBER OF COMMUNITY OUTREACH
26 EVENTS BY THE CAMPUS POLICE FORCE.

27 Article – Public Safety

28 3-101.

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

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

31 (i) in an official capacity is authorized by law to make arrests; and

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

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

4 26. the police force of the Anne Arundel Community College;
5 **OR**

6 **27. THE CAMPUS POLICE FORCE OF AN INDEPENDENT**
7 **INSTITUTION OF HIGHER EDUCATION ESTABLISHED IN ACCORDANCE WITH §**
8 **10-211.1 OF THE EDUCATION ARTICLE.**

9 3-201.

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

11 (f) (1) "Police officer" means an individual who:

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

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

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

18 22. the police force of the Anne Arundel Community College;
19 **OR**

20 **23. THE CAMPUS POLICE FORCE OF AN INDEPENDENT**
21 **INSTITUTION OF HIGHER EDUCATION ESTABLISHED IN ACCORDANCE WITH §**
22 **10-211.1 OF THE EDUCATION ARTICLE.**

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