

Chapter 94

(House Bill 370)

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – Public Safety
 Section 3–101(a) and 3–201(a)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Public Safety
 Section 3–101(e)(1) and 3–201(f)(1)
 Annotated Code of Maryland
 (2018 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
 Section 2–101(a)
 Annotated Code of Maryland

(2018 Replacement Volume)

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

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

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

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

Article – Public Safety

3–101.

- (a) In this subtitle the following words have the meanings indicated.
- (e) (1) “Law enforcement officer” means an individual who:
 - (i) in an official capacity is authorized by law to make arrests; 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 Baltimore City School Police Force;
 4. the Baltimore City Watershed Police Force;
 5. the police department, bureau, or force of a county;
 6. the police department, bureau, or force of a municipal

corporation;

7. the office of the sheriff of a county;

agency;

8. the police department, bureau, or force of a bicounty

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

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

12. the Field Enforcement Bureau of the Comptroller's Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Maryland Department of Health;

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

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

18.] the police forces of the University System of Maryland;

[19.] 18. the police force of Morgan State University;

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

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

College;

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

College;

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

[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

College.

3–201.

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

(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;

corporation;

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

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;

Department of General Services;

11. the police force of the Maryland Capitol Police of the

if the special police officers are appointed under Subtitle 3 of this title;

12. the police force of a State, county, or municipal corporation

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) a member of the Department of State Police;
- (2) a member of the Police Department of Baltimore City;
- (3) a member of the Baltimore City School Police Force;
- (4) a member of the police department, bureau, or force of a county;
- (5) a member of the police department, bureau, or force of a municipal corporation;
- (6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

- (7) a member of the University System of Maryland Police Force or Morgan State University Police Force;
- (8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;
- (9) a member of the Maryland Capitol Police of the Department of General Services;
- (10) the sheriff of a county whose usual duties include the making of arrests;
- (11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;
- (12) a member of the Natural Resources Police Force of the Department of Natural Resources;
- (13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;
- (14) a member of the Maryland–National Capital Park and Planning Commission Park Police;
- (15) a member of the Housing Authority of Baltimore City Police Force;
- (16) a member of the Crofton Police Department;
- (17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;
- (18) a member of the Intelligence and Investigative Division of the Department;
- (19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;
- (20) [a member of the Department of Labor, Licensing, and Regulation Police Force;
- (21)] a member of the Washington Suburban Sanitary Commission Police Force;
- [(22)] **(21)** a member of the Ocean Pines Police Department;
- [(23)] **(22)** a member of the police force of the Baltimore City Community

College;

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

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

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

Article – State Finance and Procurement

4–601.

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

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

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

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

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

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

4–605.

(a) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may establish a police and security force, known as the Maryland Capitol Police of the Department of General Services, to protect people and property on or

about improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in [Annapolis and Baltimore City] **THE STATE** as described in § 4–601(1), (2), [and] (3), **AND (4)** of this subtitle.

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

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

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

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

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

Article – State Personnel and Pensions

26–201.

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

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

(i) a Natural Resources police officer; or

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

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

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

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

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

(6) a law enforcement officer or firefighter employed by a participating

governmental unit that on or after July 1, 1999 has elected to participate in the Law Enforcement Officers' Pension System;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This subtitle does not apply to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26–202.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xii) who was employed by the Military Department as a firefighter at Martin State Airport on June 30, 2001, and who elects membership on or before December 31, 2002;

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

(xiv) who was employed on June 30, 2004, by the Salisbury Fire Department as a firefighter or paramedic and who elects membership on or before

December 31, 2004, if eligible under Title 31, Subtitle 2A of this article;

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 18, 2019.