

# SENATE BILL 63

E4, L6

1lr1199

(PRE-FILED)

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By: **Senator Benson**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Marlow Heights Police Department – Establishment**

3 FOR the purpose of establishing the Marlow Heights Police Department; specifying the  
4 purpose, powers, and duties of the Department; specifying that the Department is  
5 not an agency of Prince George’s County; specifying that certain persons associated  
6 with the Department are not associated with Prince George’s County; specifying that  
7 the State and Prince George’s County are not relieved from a duty to provide certain  
8 services; providing that a member of the Department has all the powers granted to  
9 a certain peace officer and police officer; requiring that the Maryland Police Training  
10 and Standards Commission and a certain entity adopt rules governing the operation  
11 and conduct of the Department; authorizing the Department to apply for, accept, and  
12 spend certain funds; requiring the Department of Public Safety and Correctional  
13 Services to assist the Department with certain tasks; requiring the Motor Vehicle  
14 Administration to designate, title, and register certain vehicles as emergency  
15 equipment under certain circumstances; requiring the Prince George’s County Police  
16 to enter into a certain agreement with the Department regarding communications  
17 under certain circumstances; including the members of the Department in the  
18 defined term “law enforcement officer” in connection with provisions of law relating  
19 to certain powers of certain law enforcement officers; and generally relating to the  
20 establishment of the Marlow Heights Police Department.

21 BY repealing and reenacting, with amendments,  
22 Article – Criminal Procedure  
23 Section 2–101(c)(26) and (27)  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2020 Supplement)

26 BY adding to  
27 Article – Criminal Procedure  
28 Section 2–101(c)(28)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2018 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 18–213(a)(5)(xi) and (xii)  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume and 2020 Supplement)

8 BY adding to  
9 Article – Health – General  
10 Section 18–213(a)(5)(xiii)  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2020 Supplement)

13 BY adding to  
14 Article – Local Government  
15 Section 9–114  
16 Annotated Code of Maryland  
17 (2013 Volume and 2020 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article – Public Safety  
20 Section 3–101(e)(1)(i) and 3–201(f)(1)(i)  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Public Safety  
25 Section 3–101(e)(1)(ii)26. and 27. and 3–201(f)(1)(ii)21. and 22.  
26 Annotated Code of Maryland  
27 (2018 Replacement Volume and 2020 Supplement)

28 BY adding to  
29 Article – Public Safety  
30 Section 3–101(e)(1)(ii)28. and 3–201(f)(1)(ii)23.  
31 Annotated Code of Maryland  
32 (2018 Replacement Volume and 2020 Supplement)

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

35 **Article – Criminal Procedure**

36 2–101.

37 (c) “Police officer” means a person who in an official capacity is authorized by law

1 to make arrests and is:

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

4 (27) a member of the police department of the Johns Hopkins University  
5 established in accordance with Title 24, Subtitle 12 of the Education Article; OR

6 **(28) A MEMBER OF THE MARLOW HEIGHTS POLICE DEPARTMENT.**

7 **Article – Health – General**

8 18–213.

9 (a) (5) “Law enforcement officer” means any person who, in an official  
10 capacity, is authorized by law to make arrests and who is a member of one of the following  
11 law enforcement agencies:

12 (xi) The Intelligence and Investigative Division of the Department of  
13 Public Safety and Correctional Services; [or]

14 (xii) The Ocean Pines Police Department; OR

15 **(XIII) THE MARLOW HEIGHTS POLICE DEPARTMENT.**

16 **Article – Local Government**

17 **9–114.**

18 **(A) IN THIS SECTION, “DEPARTMENT” MEANS THE MARLOW HEIGHTS**  
19 **POLICE DEPARTMENT.**

20 **(B) THERE IS A MARLOW HEIGHTS POLICE DEPARTMENT.**

21 **(C) (1) THE DEPARTMENT IS:**

22 **(I) ESTABLISHED TO PROVIDE PROTECTION FOR THE MARLOW**  
23 **HEIGHTS COMMUNITY IN PRINCE GEORGE’S COUNTY; AND**

24 **(II) RESPONSIBLE FOR ENFORCING THE APPLICABLE LAWS,**  
25 **ORDINANCES, AND REGULATIONS OF PRINCE GEORGE’S COUNTY.**

26 **(2) (I) THE DEPARTMENT IS NOT AN AGENCY OF PRINCE**  
27 **GEORGE’S COUNTY.**

1                   **(II) THE OFFICERS, EMPLOYEES, AND AGENTS OF THE**  
2 **DEPARTMENT ARE NOT OFFICERS, EMPLOYEES, OR AGENTS OF PRINCE GEORGE'S**  
3 **COUNTY.**

4                   **(III) PRINCE GEORGE'S COUNTY IS NOT RESPONSIBLE FOR THE**  
5 **ACTS OR OMISSIONS OF THE DEPARTMENT OR THE OFFICERS, EMPLOYEES, OR**  
6 **AGENTS OF THE DEPARTMENT.**

7           **(D) (1) A MEMBER OF THE DEPARTMENT HAS ALL THE POWERS GRANTED**  
8 **TO A PEACE OFFICER AND A POLICE OFFICER OF THE STATE.**

9                   **(2) THE POWERS REFERENCED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION MAY BE EXERCISED ONLY ON PROPERTY WITHIN THE MARLOW**  
11 **HEIGHTS COMMUNITY AND NOT ON ANY OTHER PROPERTY UNLESS A MEMBER OF**  
12 **THE DEPARTMENT IS:**

13                   **(I) ACTING UNDER AN AGREEMENT WITH ANOTHER LAW**  
14 **ENFORCEMENT AGENCY;**

15                   **(II) ENGAGED IN FRESH PURSUIT OF A SUSPECTED OFFENDER;**

16                   **(III) SPECIALLY REQUESTED OR AUTHORIZED TO DO SO IN A**  
17 **POLITICAL SUBDIVISION BY THE CHIEF POLICE OFFICER OF THE POLITICAL**  
18 **SUBDIVISION; OR**

19                   **(IV) ORDERED TO DO SO BY THE GOVERNOR.**

20                   **(3) MEMBERS OF THE DEPARTMENT HAVE CONCURRENT**  
21 **JURISDICTION IN THE PERFORMANCE OF THEIR DUTIES WITH THE LAW**  
22 **ENFORCEMENT AGENCIES OF THE STATE AND PRINCE GEORGE'S COUNTY.**

23                   **(4) THIS SECTION DOES NOT:**

24                   **(i) RELIEVE THE STATE OR THE COUNTY FROM A DUTY TO**  
25 **PROVIDE POLICE, FIRE, AND OTHER PUBLIC SAFETY SERVICE AND PROTECTION; OR**

26                   **(ii) AFFECT THE JURISDICTION OF OTHER POLICE, FIRE, AND**  
27 **PUBLIC SAFETY AGENCIES.**

28                   **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
29 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL ADOPT**  
30 **STANDARDS, QUALIFICATIONS, AND PREREQUISITES OF CHARACTER, TRAINING,**  
31 **EDUCATION, HUMAN AND PUBLIC RELATIONS, AND EXPERIENCE FOR THE**

1 DEPARTMENT, INCLUDING STANDARDS FOR THE PERFORMANCE OF THE DUTIES OF  
2 THE DEPARTMENT.

3 (2) THE MARYLAND POLICE TRAINING AND STANDARDS  
4 COMMISSION MAY DELEGATE TO GELMAN MANAGEMENT CO. THE AUTHORITY TO  
5 ADOPT STANDARDS, QUALIFICATIONS, AND PREREQUISITES UNDER PARAGRAPH (1)  
6 OF THIS SUBSECTION.

7 (F) (1) GELMAN MANAGEMENT CO. SHALL ADOPT RULES GOVERNING  
8 THE OPERATION AND CONDUCT OF THE DEPARTMENT, INCLUDING THE POLICE  
9 OFFICERS.

10 (2) THE RULES OF GELMAN MANAGEMENT CO. SHALL SUPPLEMENT  
11 ANY REGULATIONS OF THE MARYLAND POLICE TRAINING AND STANDARDS  
12 COMMISSION.

13 (3) DISOBEDIENCE TO THE LAWFUL COMMANDS, RULES, OR  
14 REGULATIONS OF THE MARYLAND POLICE TRAINING AND STANDARDS  
15 COMMISSION OR GELMAN MANAGEMENT CO. SHALL BE GROUNDS FOR  
16 DISCIPLINARY ACTION, INCLUDING REMOVAL.

17 (G) (1) GELMAN MANAGEMENT CO. SHALL BE SOLELY LIABLE FOR  
18 FUNDING THE DEPARTMENT.

19 (2) THE DEPARTMENT OR GELMAN MANAGEMENT CO. MAY APPLY  
20 FOR, ACCEPT, AND SPEND ANY GIFT OR GRANT FOR THE BENEFIT OR USE OF THE  
21 DEPARTMENT FROM THE FEDERAL GOVERNMENT, ANY STATE UNIT, ANY  
22 FOUNDATION, OR ANY OTHER PERSON.

23 (H) SUBJECT TO THE REQUIREMENTS OF THIS SUBTITLE, THE PRINCE  
24 GEORGE'S COUNTY POLICE DEPARTMENT SHALL ESTABLISH A MEMORANDUM OF  
25 UNDERSTANDING WITH THE DEPARTMENT THAT AUTHORIZES THE DEPARTMENT  
26 TO TRANSMIT COMMUNICATIONS OVER POLICE RADIO CHANNELS DIRECTLY TO THE  
27 PRINCE GEORGE'S COUNTY POLICE.

## 28 Article – Public Safety

29 3–101.

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

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

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

1                                   26. a member of the police force of the Anne Arundel  
2 Community College; [or]

3                                   27. a member of the police department of the Johns Hopkins  
4 University established in accordance with Title 24, Subtitle 12 of the Education Article; OR

5                                   **28. A MEMBER OF THE MARLOW HEIGHTS POLICE**  
6 **DEPARTMENT.**

7 3–201.

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

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

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

12                                  21. a member of the police force of the Anne Arundel  
13 Community College; [or]

14                                  22. a member of the police department of the Johns Hopkins  
15 University established in accordance with Title 24, Subtitle 12 of the Education Article; OR

16                                  **23. A MEMBER OF THE MARLOW HEIGHTS POLICE**  
17 **DEPARTMENT.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That on establishment of the  
19 Marlow Heights Police Department in accordance with Section 1 of this Act:

20                                  (1)   the Department of Public Safety and Correctional Services shall assist  
21 the Department in applying for and obtaining an Originating Agency Identifier number  
22 from the Federal Bureau of Investigation; and

23                                  (2)   the Motor Vehicle Administration shall designate, title, and register  
24 any vehicles requested by the Department as emergency vehicles in accordance with §  
25 11–118 of the Transportation Article.

26           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2021.