

SENATE BILL 786

E4, L2

1lr2593
CF HB 1027

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: February 5, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Control of the 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 clarifying that the Police Department shall be considered to be an agency and
7 instrumentality of the State for certain actions arising prior to a certain date and
8 that the Police Department shall be considered to be an agency and instrumentality
9 of Baltimore City for certain actions arising on and after a certain date; establishing
10 an Advisory Board on the Transfer of Control of the Police Department of Baltimore
11 City; providing for the membership, chair, staffing, and duties of the Advisory Board;
12 requiring the Advisory Board to submit certain reports to certain persons at certain
13 times; making a portion of this Act contingent on the passage and ratification, by a
14 certain date, of a certain Baltimore City Charter amendment; providing for the
15 effective dates of this Act; and generally relating to the Police Department of
16 Baltimore City.

17 BY repealing and reenacting, with amendments,
18 The Public Local Laws of Baltimore City
19 Section 16–2(a) and 16–3
20 Article 4 – Public Local Laws of Maryland
21 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

24 **Article 4 – Baltimore City**

25 16–2.

26 (a) The Police Department of Baltimore City is hereby constituted and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 established as an agency and instrumentality of the [State of Maryland] **CITY OF**
2 **BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and
3 safety of all persons within the City of Baltimore, to protect property therein, and to assist
4 in securing to all persons the equal protection of the laws. The department shall have,
5 within the boundaries of said city, the specific duty and responsibility to preserve the public
6 peace; to detect and prevent the commission of crime; to enforce the laws of this State, and
7 of the Mayor and City Council of Baltimore not inconsistent with the provisions of this
8 subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused
9 of violating such laws and ordinances; to preserve order at public places; to maintain the
10 orderly flow of traffic on public streets and highways; to assist law enforcement agencies of
11 this State, any municipality of the United States in carrying out their respective duties;
12 and to discharge its duties and responsibilities with the dignity and manner which will
13 inspire public confidence and respect.

14 16–3.

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

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Police Department of
32 Baltimore City shall be considered to be an agency and instrumentality of the State for all
33 actions arising out of acts, omissions, or events that have occurred prior to the date of
34 transfer of control of the Police Department, which shall be on January 1, 2025. For all
35 actions arising out of acts, omissions, or events that occur on and after January 1, 2025,
36 the Police Department of Baltimore City shall be considered an agency and instrumentality
37 of Baltimore City.

38 SECTION 3. AND BE IT FURTHER ENACTED, That:

39 (a) There is an Advisory Board on the Transfer of Control of the Police
40 Department of Baltimore City.

- 1 (b) The Advisory Board consists of the following members:
- 2 (1) the Mayor of Baltimore City;
- 3 (2) one member of the Senate of Maryland who represents Baltimore City,
4 appointed by the President of the Senate;
- 5 (3) one member of the House of Delegates who represents Baltimore City,
6 appointed by the Speaker of the House;
- 7 (4) the Baltimore City Police Commissioner;
- 8 (5) the Director of the Mayor's Office of Neighborhood Safety and
9 Engagement, or the Director's designee;
- 10 (6) the Chief Equity Officer of Baltimore City, or the Chief Equity Officer's
11 designee;
- 12 (7) one representative from the Baltimore Police Monitoring Team;
- 13 (8) one representative from the Baltimore City Council; and
- 14 (9) three members with experience in criminal justice, police reform, or
15 community policing, appointed by the Mayor of Baltimore City.
- 16 (c) The Advisory Board shall elect the chair of the Advisory Board.
- 17 (d) The Office of the Mayor of Baltimore City shall provide staff for the Advisory
18 Board.
- 19 (e) The Advisory Board shall study the potential issues related to the transfer of
20 control of the Police Department of Baltimore City from the State to the City, including:
- 21 (1) implementation of the ongoing consent decree;
- 22 (2) management of the Police Department;
- 23 (3) the transfer of personnel;
- 24 (4) different models of local control of the Police Department;
- 25 (5) financial impacts of local control, including liability issues; and
- 26 (6) the details of a potential charter amendment to assume control of the
27 Police Department.

1 (f) (1) On or before December 1, 2021, the Advisory Board shall submit an
2 interim report of its initial findings and recommendations to the Baltimore City Council,
3 the Governor, and, in accordance with § 2–1257 of the State Government Article, the
4 General Assembly.

5 (2) On or before December 1, 2022, the Advisory Board shall submit its
6 final report to the Baltimore City Council, the Governor, and, in accordance with §
7 2–1257 of the State Government Article, the General Assembly.

8 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act
9 shall take effect January 1, 2025, contingent on the passage of an amendment to the
10 Charter of Baltimore City that provides for the transfer of control of the Police Department
11 of Baltimore City to the City of Baltimore from the State of Maryland and its ratification
12 by the voters of Baltimore City at the 2024 general election. If an amendment to the Charter
13 of Baltimore City that provides for the transfer of control of the Police Department of
14 Baltimore City to the City of Baltimore from the State of Maryland is not passed and
15 ratified at the 2024 general election, Sections 1 and 2 of this Act, with no further action
16 required by the General Assembly, shall be null and void.

17 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
18 4 of this Act, this Act shall take effect June 1, 2021.