

Chapter 203

(Senate Bill 673)

AN ACT concerning

Natural Resources Police Force – Employees – Authority of Secretary

FOR the purpose of altering the authority of the Secretary of Natural Resources with respect to hiring, promoting, and transferring employees of the Natural Resources Police Force; requiring the Department of Natural Resources to include advertising that is targeted toward certain underrepresented racial and ethnic communities when advertising for or recruiting new Natural Resources police officers; authorizing the Secretary to contract with an outside vendor for a certain purpose; requiring the Natural Resources Police Force to take certain actions and develop a certain plan with respect to ensuring diversity in hiring and promotion on or before a certain date; requiring the Secretary to ensure that certain practices are consistent with the plan; requiring the Department to periodically evaluate and update the plan; and generally relating to the Natural Resources Police Force.

BY renumbering

Article – Natural Resources
 Section 1–201 and 1–201.1, respectively
 to be Section 1–201.1 and 1–201.2, respectively
 Annotated Code of Maryland
 (2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
 Section 1–107 and 1–203
 Annotated Code of Maryland
 (2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Natural Resources
 Section 1–201 and 1–203.1
 Annotated Code of Maryland
 (2018 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article – Natural Resources
 Section 1–203
 Annotated Code of Maryland
 (2018 Replacement Volume and 2021 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That Section(s) 1–201 and 1–201.1, respectively, of Article – Natural Resources of the

Annotated Code of Maryland be renumbered to be Section(s) 1–201.1 and 1–201.2, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Natural Resources

§1–107.

(a) **(1)** This section applies to ~~Natural Resources police officers~~ and employees commissioned as law enforcement officers of the State Forest and Park Service.

(2) THIS SECTION DOES NOT APPLY TO NATURAL RESOURCES POLICE OFFICERS.

(b) (1) Notwithstanding any other provision of law, the Secretary may appoint without examination:

(i) A law enforcement officer who holds a commissioned rank to the rank of Major; and

(ii) A law enforcement officer who holds a commissioned rank of not less than Captain to the rank of Lieutenant Colonel.

(2) A law enforcement officer appointed in accordance with this subsection continues to serve at the pleasure of the Secretary.

(3) Notwithstanding any other provision of law, on termination of an appointment under this subsection, the Secretary may:

(i) Return the law enforcement officer to ~~a vacant law enforcement officer position~~ **THE RANK THAT THE LAW ENFORCEMENT OFFICER HELD BEFORE THE APPOINTMENT**; or

(ii) Promote the law enforcement officer to a higher rank to which the law enforcement officer became eligible for promotion during the appointment.

(c) In cases of inconsistency between this section and the provisions of the State Personnel and Pensions Article, the provisions of this section shall control as to all matters relating to the appointment of a law enforcement officer of the Department to the rank of Major or Lieutenant Colonel.‡

1–201.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “CIVILIAN CLASSIFICATION” MEANS THE POSITION HELD BY A CIVILIAN EMPLOYEE.

(C) “CIVILIAN EMPLOYEE” MEANS AN EMPLOYEE OF THE NATURAL RESOURCES POLICE FORCE OTHER THAN A NATURAL RESOURCES POLICE OFFICER.

(D) (1) “COMMISSIONED RANK” MEANS THE RANKS OF LIEUTENANT, CAPTAIN, MAJOR, AND LIEUTENANT COLONEL.

(2) “COMMISSIONED RANK” DOES NOT INCLUDE THE SECRETARY.

(E) “GRADE” MEANS THE STATUS OF NATURAL RESOURCES POLICE OFFICERS WHO HAVE THE SAME PRIMARY AREAS OF DUTY AND RESPONSIBILITY WITHIN A RANK.

(F) “NATURAL RESOURCES POLICE OFFICER” MEANS AN EMPLOYEE OF THE NATURAL RESOURCES POLICE FORCE TO WHOM THE SECRETARY ASSIGNS POLICE POWERS UNDER § 1-204 OF THIS SUBTITLE.

(G) (1) “NONCOMMISSIONED RANK” MEANS A RANK OTHER THAN A COMMISSIONED RANK.

(2) “NONCOMMISSIONED RANK” DOES NOT INCLUDE THE SECRETARY.

(H) “RANK” MEANS THE STATUS, ESTABLISHED BY RULE, OF POLICE EMPLOYEES WHO HAVE THE SAME RELATIVE POSITION IN THE CHAIN OF COMMAND.

(I) (1) “RULE” MEANS A RULE, AN ORDER, OR ANY OTHER DIRECTIVE ADOPTED BY THE SECRETARY UNDER THIS SUBTITLE.

(2) “RULE” DOES NOT INCLUDE A REGULATION WITHIN THE MEANING OF TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

1-203.

(a) (1) The Secretary shall, within the limits of any appropriation made for this purpose, appoint Natural Resources police officers as the Secretary deems necessary for the efficient administration of the Natural Resources Police Force.

~~(2) All appointments shall be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article.~~

~~(3)~~ **(2) EACH APPOINTEE TO THE NATURAL RESOURCES POLICE FORCE SHALL:**

~~(i) BE A RESIDENT OF THE STATE ON THE DATE OF APPOINTMENT; AND~~

~~(ii) HAVE~~ **HAVE** THE CHARACTER, EDUCATION, AND OTHER QUALIFICATIONS ESTABLISHED BY THE SECRETARY UNDER THIS SUBTITLE.

~~(4)~~ **(3) (i) WHEN THE DEPARTMENT ADVERTISES FOR OR RECRUITS NEW NATURAL RESOURCES POLICE OFFICERS, THE DEPARTMENT SHALL INCLUDE ADVERTISING THAT IS TARGETED TOWARD RACIAL AND ETHNIC COMMUNITIES OR OTHER INDIVIDUALS WHO ARE UNDERREPRESENTED IN THE NATURAL RESOURCES POLICE WORKFORCE, INCLUDING ADVERTISING IN NEWSPAPERS OR ON RADIO STATIONS WHOSE PRIMARY AUDIENCE IS THE UNDERREPRESENTED COMMUNITIES AND INDIVIDUALS.**

(ii) THE SECRETARY MAY CONTRACT WITH AN OUTSIDE VENDOR TO ASSIST IN CARRYING OUT SUBPARAGRAPH (i) OF THIS PARAGRAPH.

(b) The Secretary shall issue to each person appointed as a Natural Resources police officer a commission and badge stating “Natural Resources Police Officer”.

(c) Except when on detective duty, every Natural Resources police officer shall wear in plain view a “Natural Resources Police Officer” badge when acting in [his] AN official capacity.

(d) The badge is property of the State, and upon the termination of a commission of any Natural Resources police officer, it shall be returned with the commission to the Secretary.

(e) **(1)** All Natural Resources police officers, including persons appointed for training prior to regular assignment as a Natural Resources police officer, shall remain in a probationary status for a period of 2 years from the date of initial appointment to the Natural Resources Police Force.

(2) The Secretary may discharge an employee in probationary status for any cause which is deemed sufficient in the sole discretion of the Secretary.

(f) (1) [Subject to § 1–107 of this title, in] IN cases of inconsistency between this subtitle and the provisions of the State Personnel and Pensions Article, the provisions of this subtitle shall control as to all matters relating to the Natural Resources Police Force.

(2) EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBTITLE, THE STATE PERSONNEL AND PENSIONS ARTICLE DOES NOT APPLY TO OR AFFECT THE COMPENSATION, RANK, GRADE, OR STATUS OF NATURAL RESOURCES POLICE OFFICERS.

(3) EXCEPT AS EXPRESSLY PROVIDED IN THIS SUBTITLE, THE COMPENSATION, CIVILIAN CLASSIFICATION, AND STATUS OF CIVILIAN EMPLOYEES OF THE NATURAL RESOURCES POLICE FORCE SHALL BE DETERMINED IN ACCORDANCE WITH THE STATE PERSONNEL AND PENSIONS ARTICLE.

(g) (1) THE NATURAL RESOURCES POLICE FORCE SHALL TAKE ALL NECESSARY ACTIONS TO PURSUE DIVERSITY WITHIN ITS SWORN AND CIVILIAN RANKS SO THAT IT REFLECTS THE DEMOGRAPHICS OF THE STATE TO THE EXTENT PRACTICABLE, INCLUDING:

(i) EXPANDING AND DIVERSIFYING THE MARYLAND NATURAL RESOURCES POLICE ACADEMY APPLICANT POOL BY:

1. STRENGTHENING THE NATURAL RESOURCES POLICE CADET PROGRAM; AND

2. INCREASING RECRUITING EFFORTS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES; AND

(ii) ESTABLISHING A DIVERSITY STUDY GROUP TO:

1. REVIEW DEPARTMENTAL RECRUITMENT PROCEDURES;

2. IDENTIFY BARRIERS TO DIVERSE EMPLOYMENT WITHIN THE RANKS OF THE NATURAL RESOURCES POLICE FORCE; AND

3. PROPOSE CORRECTIVE ACTIONS.

(2) (i) 1. THE NATURAL RESOURCES POLICE FORCE SHALL DEVELOP AN ACTION PLAN TO DIVERSIFY ITS WORKFORCE BASED ON RECOMMENDATIONS BY THE DIVERSITY STUDY GROUP ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

2. THE SECRETARY SHALL ENSURE THAT ALL HIRING AND PROMOTION IS CONSISTENT WITH THE ACTION PLAN DEVELOPED UNDER THIS SUBPARAGRAPH.

3. THE DEPARTMENT SHALL:

A. PUBLISH THE ACTION PLAN DEVELOPED UNDER THIS SUBPARAGRAPH ON ITS WEBSITE; AND

B. AT LEAST EVERY 3 YEARS, EVALUATE AND UPDATE THE ACTION PLAN DEVELOPED UNDER THIS SUBPARAGRAPH.

(II) ON OR BEFORE DECEMBER 1, 2022, THE NATURAL RESOURCES POLICE FORCE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE ACTION PLAN REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING:

1. SPECIFIC AND MEASURABLE GOALS FOR ACHIEVING DIVERSITY AMONG ITS SWORN AND CIVILIAN EMPLOYEES, INCLUDING A DATE OR DATES BY WHICH THE NATURAL RESOURCES POLICE FORCE SHALL MEET THE GOALS;

2. A DEMOGRAPHIC BREAKDOWN OF THE FOLLOWING FOR THE NATURAL RESOURCES POLICE FORCE FOR THE IMMEDIATELY PRECEDING 3 CALENDAR YEARS:

A. SWORN AND CIVILIAN EMPLOYEES;

B. ATTRITION RATE;

C. MANAGERIAL AND LEADERSHIP POSITIONS;

D. MARYLAND NATURAL RESOURCES POLICE ACADEMY CLASSES; AND

E. DISCIPLINARY ACTION FOR SWORN AND CIVILIAN EMPLOYEES;

3. A PLAN TO PROMOTE DIVERSITY AMONG MANAGERIAL AND LEADERSHIP POSITIONS;

4. THE FREQUENCY WITH WHICH THE NATURAL RESOURCES POLICE FORCE OFFERS DIVERSITY- AND IMPLICIT BIAS-RELATED TRAINING TO ITS SWORN AND CIVILIAN EMPLOYEES AND IN MARYLAND NATURAL RESOURCES POLICE ACADEMY CLASSES;

5. A PLAN TO ADDRESS IMPLICIT BIAS AMONG ITS SWORN AND CIVILIAN EMPLOYEES;

6. A PLAN TO PROMOTE DIVERSITY IN RECRUITMENT AND RETENTION EFFORTS, INCLUDING EFFORTS TO RECRUIT FROM HISTORICALLY BLACK COLLEGES AND UNIVERSITIES;

7. THE NUMBER OF REPORTED INCIDENTS OF RACIALLY INSENSITIVE BEHAVIOR IN THE IMMEDIATELY PRECEDING 3 CALENDAR YEARS; AND

8. CURRENT DISCIPLINARY POLICIES RELATED TO IMPROPER SOCIAL MEDIA USAGE AND OTHERWISE RACIALLY INSENSITIVE OR OTHERWISE DISCRIMINATORY ACTIONS, AND PLANS TO STRENGTHEN THESE POLICIES IN THE FUTURE.

1-203.1.

(A) IN THIS SECTION, “OBSOLETE RANK” MEANS A RANK DESIGNATED BY THE SECRETARY TO WHICH NO FURTHER PROMOTIONS WILL BE MADE.

(B) THE SECRETARY SHALL MAKE ALL PROMOTIONS.

(C) (1) PROMOTION TO A RANK SHALL BE MADE IN THE MANNER REQUIRED BY RULE.

(2) FOR A NONCOMMISSIONED RANK THAT HAS FEWER THAN 25 NATURAL RESOURCES POLICE OFFICERS, THE SECRETARY BY RULE MAY DIRECT THAT IT IS UNNECESSARY TO FILL THE NONCOMMISSIONED RANK FOR PURPOSES OF PROMOTION.

(3) (I) THIS PARAGRAPH DOES NOT APPLY TO A RANK THAT REQUIRES TECHNICAL KNOWLEDGE.

(II) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A NATURAL RESOURCES POLICE OFFICER MAY NOT BE APPOINTED OR PROMOTED TO A RANK UNLESS THE OFFICER:

1. IS BYPASSING AN OBSOLETE RANK AND CURRENTLY FILLS THE RANK IMMEDIATELY BELOW THE OBSOLETE RANK; OR

2. HAS FILLED THE RANK IMMEDIATELY BELOW THE RANK TO WHICH THE OFFICER IS TO BE PROMOTED.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY MAY APPOINT WITHOUT EXAMINATION:

(I) A NATURAL RESOURCES POLICE OFFICER WHO HOLDS A COMMISSIONED RANK TO THE RANK OF MAJOR; AND

(II) A NATURAL RESOURCES POLICE OFFICER WHO HOLDS A COMMISSIONED RANK OF NOT LESS THAN CAPTAIN TO THE RANK OF LIEUTENANT COLONEL.

(2) A NATURAL RESOURCES POLICE OFFICER APPOINTED IN ACCORDANCE WITH THIS SUBSECTION CONTINUES TO SERVE AT THE PLEASURE OF THE SECRETARY.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON TERMINATION OF AN APPOINTMENT UNDER THIS SUBSECTION, THE NATURAL RESOURCES POLICE OFFICER MAY:

(I) RETURN TO THE RANK HELD BEFORE THE APPOINTMENT;
OR

(II) BE PROMOTED TO A HIGHER RANK TO WHICH THE OFFICER BECAME ELIGIBLE FOR PROMOTION DURING THE APPOINTMENT.

(E) AN INCUMBENT NATURAL RESOURCES POLICE OFFICER IN AN OBSOLETE RANK REMAINS IN THAT RANK UNTIL PROMOTED, DEMOTED, RETIRED, OR TERMINATED.

(F) PROMOTIONS OF CIVILIAN EMPLOYEES OF THE NATURAL RESOURCES POLICE FORCE SHALL BE MADE IN ACCORDANCE WITH THE STATE PERSONNEL AND PENSIONS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ July 1, 2022.

Approved by the Governor, April 21, 2022.