

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 853
Judiciary

(Baltimore City Delegation)

Judicial Proceedings

Baltimore City – Control Over Powers of Police Commissioner

This bill repeals the prohibition on an ordinance of Baltimore City or an act of any municipal officer from conflicting, impeding, obstructing, hindering, or interfering with the powers of the Baltimore City Police Commissioner. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: None.

Local Effect: The bill is not anticipated to materially affect Baltimore City finances.

Small Business Effect: None.

Analysis

Current Law: Chapter 133 of 2021 established the Baltimore Police Department (BPD) as an agency and instrumentality of Baltimore City (rather than the State), contingent on the passage of an amendment to the Charter of Baltimore City that provides the transfer of control of BPD to Baltimore City and its ratification by the voters of Baltimore City at either the 2022 or the 2024 general election.

In June 2022, Baltimore City Council Bill 22-0248 (Charter Amendment – Baltimore City Police Department – Local Control Establishment) was introduced “for the purpose of creating a Baltimore City Police Department as an agency and instrumentality of the City of Baltimore, and submitting this amendment to the qualified voters of the City for adoption or rejection.” Mayor Brandon M. Scott signed the bill in July 2022, and the issue appeared on the ballot in the 2022 general election as Question H. The ballot measure was

approved by 82.76% of the voters. Pursuant to Chapter 133, the transfer of control of BPD to the city occurred on January 1, 2023.

BPD continues to be considered as an agency and instrumentality of the State for all actions arising out of acts, omissions, or events that have occurred prior to the date of transfer of control of BPD. For all actions arising out of acts, omissions, or events that occur on or after that date, BPD is considered an agency and instrumentality of Baltimore City.

As a result of BPD being established as an agency and instrumentality of Baltimore City, the intent of Chapter 133 was that the mayor and the City Council of Baltimore City would be authorized to amend the law relating to BPD in order to implement policy changes.

Chapter 133 states the intent of the General Assembly that enactment of the transfer of control of BPD will not remove the right to collectively bargain currently afforded to BPD police officers under State and local law. In addition, BPD police officers continue to have the authority to make arrests, conduct investigations, and otherwise enforce the laws of the State conferred under Title 2 of the Criminal Procedure Article.

Advisory Board: Chapter 133 also established an Advisory Board on the Transfer of Control of the Police Department of Baltimore City to study potential issues related to the transfer. The advisory board was required to study the potential issues related to the transfer of control of BPD from the State to the city, as specified. On December 1, 2021, the advisory board submitted an [interim report](#) of its initial findings and recommendations. On December 30, 2022, the advisory board submitted its [final report](#).

Additional Comments: CBS News reported that the Advisory Board on the Transfer of Control of the Police Department of Baltimore City advised the Baltimore City Council on February 21, 2023, that Chapter 133 did not give the Baltimore City Council the power to write laws to govern BPD and that the State no longer has the authority to do so.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 758 (Senator Carter) - Judicial Proceedings.

Information Source(s): Baltimore City; State Board of Elections; CBS News; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2023
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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510