

HOUSE BILL 76

E4

6lr0109

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: January 15, 2016

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: February 16, 2016

CHAPTER _____

1 AN ACT concerning

2 **Department of State Police – Investigation Authority**

3 FOR the purpose of expanding the authority of members of the Department of State Police
4 to investigate and enforce certain violations within a municipal corporation under
5 certain circumstances; and generally relating to the authority of the Department of
6 State Police.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 2–412
10 Annotated Code of Maryland
11 (2011 Replacement Volume and 2015 Supplement)

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

14 **Article – Public Safety**

15 2–412.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) “Emergency” means a sudden or unexpected happening or an
18 unforeseen combination of circumstances that calls for immediate action to protect health,
19 safety, welfare, or property from actual or threatened harm or from an unlawful act.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (3) "Municipal corporation" includes Baltimore City.

2 (b) (1) Police employees have throughout the State the same powers,
3 privileges, immunities, and defenses as sheriffs, constables, police officers, and other peace
4 officers possessed at common law and may now or in the future exercise within their
5 respective jurisdictions.

6 (2) A police employee may execute an arrest warrant in any part of the
7 State without further endorsement.

8 (c) Police employees may not act within the limits of a municipal corporation that
9 maintains a police force except:

10 (1) when in pursuit of a criminal or suspect;

11 (2) when in search of a criminal or suspect wanted for a crime committed
12 outside of the limits of the municipal corporation or when interviewing or seeking to
13 interview a witness or supposed witness to the crime;

14 (3) when a crime is committed in the presence of the police employee, and
15 the arrested party must be immediately transferred to the custody of the local law
16 enforcement agency;

17 (4) when requested to act by the chief executive officer or chief police officer
18 of the municipal corporation;

19 (5) when ordered by the Governor to act within the municipal corporation;

20 (6) when enforcing the motor vehicle laws of the State, except in Baltimore
21 City;

22 (7) in Baltimore City, only when enforcing Title 23 of the Transportation
23 Article;

24 (8) in any building or place when ordered by either the President of the
25 Senate or the Speaker of the House of Delegates to guard the safety of legislators or the
26 integrity of the legislative process;

27 (9) to protect the safety of an elected State official;

28 (10) in the municipal corporations of Somerset County;

29 (11) when [enforcing § 11-207 of the Criminal Law Article] **CONDUCTING**
30 **INVESTIGATIONS RELATING TO OR OTHERWISE ENFORCING §§ 3-324, 3-804, 3-805,**
31 **3-902, 7-302, 11-207, 11-208, 11-303, 11-304, 11-305, AND 11-306 OF THE**
32 **CRIMINAL LAW ARTICLE;**

1 (12) (i) 1. when participating in a joint investigation with officials
2 from another State, federal, or local law enforcement agency at least one of which has local
3 jurisdiction;

4 2. when rendering assistance to a police officer;

5 3. when acting at the request of a local police officer; or

6 4. when an emergency exists; and

7 (ii) when acting in accordance with regulations adopted by the
8 Secretary to implement this item; **OR**

9 (13) [when conducting investigations relating to or otherwise enforcing §
10 7-302 of the Criminal Law Article; or

11 (14)] when conducting an investigation under § 9-602.1 of the Correctional
12 Services Article.

13 (d) A police employee may not be placed on detached service and act for a federal
14 department, agency, or committee outside of the State without the written approval of the
15 Governor or as otherwise provided by law.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.