

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 72

(Senator McCray)

Judicial Proceedings

Appropriations

**Baltimore City - Members of the Command Staff of the Police Department -
Residency Requirements**

This bill authorizes, beginning on or after January 1, 2022, the Mayor and City Council of Baltimore to require members of the command staff of the Baltimore Police Department (BPD), at the rank of colonel or deputy commissioner, to reside in Baltimore City. A local law, ordinance, or policy enacted or adopted by the Mayor and City Council of Baltimore City in accordance with the bill must include provisions (1) that provide an individual a period of 120 days after the date of promotion to or hire for the rank of colonel or deputy commissioner to begin to reside in Baltimore City; (2) that provide an exemption from the local law, ordinance, or policy for a member who is promoted to the rank of deputy commissioner if, on January 1, 2022, that member holds the rank of colonel; and (3) for granting a waiver or exemption from the local law, ordinance, or policy for a member of the command staff who is married to an individual employed by a governmental entity with similar employee residency requirements. The bill applies prospectively.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill is enabling in nature and does not materially affect local finances.

Small Business Effect: None.

Analysis

Current Law: Generally, a county or municipality may not require an employee to reside in the State, county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment. This restriction does not apply to (1) an elected official; (2) the head of a unit of a county or municipality who reports directly to the chief administrative officer, an elected executive, or the governing body of the county or municipality; or (3) the chief administrative officer of the county or municipality.

Chapter 776 of 2017 authorizes a county or municipality to require an at-will supervisory employee to reside in the State, county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment if the at-will supervisory employee reports directly to the head of a unit of the county or municipality.

In 2018, the Baltimore City code was amended to require every “official” to be a resident and registered voter of the city at the time of appointment or within six months of appointment. An official must remain a resident and registered voter of the city throughout the official’s term of office. An official who fails to comply with the residency requirement within six months of appointment is automatically terminated at the end of the six-month time period. “Official” means (1) the head of an agency who reports directly to the Mayor and (2) any at-will supervisory employee who reports directly to the Mayor or to the head of an agency.

Background: Although BPD is a State agency, the State does not control the appointment or removal of the police commissioner and is not responsible for providing funding for the operations of the police department. However, the State retains the ability to amend the law relating to the department in order to implement policy changes.

BPD advises that, if a local law, ordinance, or policy were enacted or adopted in accordance with the bill, there are potentially six members of the department who would be required to reside in Baltimore City. The overall number of members impacted could vary depending on organizational changes or vacancies within BPD.

Additional Information

Prior Introductions: SB 43 of 2019, a similar bill, passed the House with amendments; however, a conference committee was not appointed to reconcile the differences between the two versions of the bill.

Designated Cross File: HB 1555 (Delegate Wells) - Appropriations.

Information Source(s): Baltimore City; Department of Legislative Services

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