

HOUSE BILL 336

F2, E4

1lr1112

(PRE-FILED)

By: **Delegate Ivey**

Requested: October 24, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Private Institutions of Higher Education – Police Departments – Repeal and**
3 **Prohibition**

4 FOR the purpose of repealing provisions of law relating to the establishment and
5 maintenance of a Johns Hopkins University police department, including all
6 applicable authorizations, powers, requirements, and prohibitions on the University,
7 University police officers, the Baltimore Police Department, and the Department of
8 Legislative Services; repealing provisions declaring the intent of the General
9 Assembly regarding the University police department; prohibiting a private
10 institution of higher education from establishing a police department or granting
11 certain powers to certain employees; making conforming changes; and generally
12 relating to the repeal of and prohibition against the establishment of a police
13 department at a private institution of higher education.

14 BY repealing

15 Article – Education

16 Section 24–1201 through 24–1213 and the subtitle “Subtitle 12. Police Department
17 of the Johns Hopkins University”

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2020 Supplement)

20 BY repealing

21 Article – Criminal Procedure

22 Section 2–101(c)(27) and 10–205

23 Annotated Code of Maryland

24 (2018 Replacement Volume and 2020 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Criminal Procedure

27 Section 2–101(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)
- 3 BY repealing and reenacting, with amendments,
4 Article – Criminal Procedure
5 Section 2–101(c)(25) and (26)
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2020 Supplement)
- 8 BY adding to
9 Article – Education
10 Section 26–701 to be under the new subtitle “Subtitle 7. Police Departments of
11 Private Institutions of Higher Education – Prohibited”
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2020 Supplement)
- 14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 3–101(a) and (e)(1)(i), 3–107(c)(1) and (2), and 3–201(a) and (f)(1)(i)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2020 Supplement)
- 19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 3–101(e)(1)(ii)25. and 26. and (2)(ix) and (x), 3–107(c)(3), 3–201(f)(1)(ii)20.
22 and 21.
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2020 Supplement)
- 25 BY repealing
26 Article – Public Safety
27 Section 3–101(e)(1)(ii)27. and (2)(xi) and 3–201(f)(1)(ii)22.
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2020 Supplement)
- 30 BY repealing and reenacting, without amendments,
31 The Public Local Laws of Baltimore City
32 Section 16–41(a)
33 Article 4 – Public Local Laws of Maryland
34 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
35 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended
36 by Chapter 130 of the Acts of the General Assembly of 2015 and Chapter 25
37 of the Acts of the General Assembly of 2019)
- 38 BY repealing and reenacting, with amendments,
39 The Public Local Laws of Baltimore City
40 Section 16–41(g)

1 Article 4 – Public Local Laws of Maryland
2 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
3 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended
4 by Chapter 130 of the Acts of the General Assembly of 2015 and Chapter 25
5 of the Acts of the General Assembly of 2019)

6 BY repealing
7 Chapter 25 of the Acts of the General Assembly of 2019
8 Section 3

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That Section(s) 24–1201 through 24–1213 and the subtitle “Subtitle 12. Police Department
11 of the Johns Hopkins University” of Article – Education of the Annotated Code of Maryland
12 be repealed.

13 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 10–205 of Article –
14 Criminal Procedure of the Annotated Code of Maryland be repealed.

15 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
16 as follows:

17 **Article – Criminal Procedure**

18 2–101.

19 (a) In this title the following words have the meanings indicated.

20 (c) “Police officer” means a person who in an official capacity is authorized by law
21 to make arrests and is:

22 (25) an employee of the Warrant Apprehension Unit of the Division of Parole
23 and Probation in the Department; **OR**

24 (26) a member of the police force of the Anne Arundel Community College[;
25 or

26 (27) a member of the police department of the Johns Hopkins University
27 established in accordance with Title 24, Subtitle 12 of the Education Article].

28 **Article – Education**

29 **SUBTITLE 7. POLICE DEPARTMENTS OF PRIVATE INSTITUTIONS OF HIGHER**
30 **EDUCATION – PROHIBITED.**

31 **26–701.**

1 **A PRIVATE INSTITUTION OF HIGHER EDUCATION MAY NOT ESTABLISH A**
2 **POLICE DEPARTMENT OR GRANT AN EMPLOYEE THE POWERS GRANTED TO A PEACE**
3 **AND POLICE OFFICER.**

4 **Article – Public Safety**

5 3–101.

6 (a) In this subtitle the following words have the meanings indicated.

7 (e) (1) “Law enforcement officer” means an individual who:

8 (i) in an official capacity is authorized by law to make arrests; and

9 (ii) is a member of one of the following law enforcement agencies:

10 25. the Warrant Apprehension Unit of the Division of Parole
11 and Probation in the Department of Public Safety and Correctional Services; **OR**

12 26. the police force of the Anne Arundel Community College[;
13 or

14 27. the police department of the Johns Hopkins University
15 established in accordance with Title 24, Subtitle 12 of the Education Article].

16 (2) “Law enforcement officer” does not include:

17 (ix) a City of Hagerstown fire and explosive investigator as defined
18 in § 2–208.5 of the Criminal Procedure Article; **OR**

19 (x) a Howard County fire and explosive investigator as defined in §
20 2–208.6 of the Criminal Procedure Article[; or

21 (xi) the Chief of Police of the police department of the Johns Hopkins
22 University established in accordance with Title 24, Subtitle 12 of the Education Article].

23 3–107.

24 (c) (1) Except as provided in paragraph (5) of this subsection and in § 3–111 of
25 this subtitle, the hearing board authorized under this section shall consist of at least three
26 voting members who:

27 (i) are appointed by the chief and chosen from law enforcement
28 officers within that law enforcement agency, or from law enforcement officers of another
29 law enforcement agency with the approval of the chief of the other agency; and

1 (ii) have had no part in the investigation or interrogation of the law
2 enforcement officer.

3 (2) At least one member of the hearing board shall be of the same rank as
4 the law enforcement officer against whom the complaint is filed.

5 (3) (i) Subject to [subparagraphs] **SUBPARAGRAPH** (ii) [and (iii)] of
6 this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one
7 member of the public who has received training administered by the Maryland Police
8 Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and
9 matters relating to police procedures.

10 (ii) If authorized by local law, a hearing board formed under
11 paragraph (1) of this subsection may include up to two voting or nonvoting members of the
12 public who have received training administered by the Maryland Police Training and
13 Standards Commission on the Law Enforcement Officers' Bill of Rights and matters
14 relating to police procedures.

15 [(iii) At the Johns Hopkins University, if authorized by local law, a
16 hearing board formed under paragraph (1) of this subsection shall include two voting
17 members of the public who have received training administered by the Maryland Police
18 Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and
19 matters relating to police procedures.]

20 3–201.

21 (a) In this subtitle the following words have the meanings indicated.

22 (f) (1) "Police officer" means an individual who:

23 (i) is authorized to enforce the general criminal laws of the State;
24 and

25 (ii) is a member of one of the following law enforcement agencies:

26 20. the parole and probation employees of the Warrant
27 Apprehension Unit of the Division of Parole and Probation in the Department who are
28 authorized to make arrests; **OR**

29 21. the police force of the Anne Arundel Community College[;
30 or

31 22. the police department of the Johns Hopkins University
32 established in accordance with Title 24, Subtitle 12 of the Education Article].

33 **Article 4 – Baltimore City**

1 16–41.

2 (a) In this subheading the following words have the meanings indicated.

3 (g) “Law enforcement unit” means:

4 (1) the Police Department of Baltimore City;

5 (2) the Baltimore City School Police;

6 (3) the Housing Authority of Baltimore City Police;

7 (4) the Baltimore City Sheriff’s Department;

8 (5) the Baltimore City Watershed Police Force;

9 (6) the police force of the Baltimore City Community College; **OR**

10 (7) the police force of Morgan State University]; or

11 (8) the police department of the Johns Hopkins University].

12 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 3 of Chapter 25 of
13 the Acts of the General Assembly of 2019 be repealed.

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2021.