

SENATE BILL 276

F2, E4, L2

11r0330

(PRE-FILED)

By: **Senator Carter**

Requested: September 18, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Johns Hopkins University – Police Department – Repeal**

3 FOR the purpose of repealing provisions relating to the establishment and maintenance of
4 a Johns Hopkins University police department, including all applicable
5 authorizations, powers, requirements, and prohibitions on the University,
6 University police officers, the Baltimore Police Department, and the Department of
7 Legislative Services; repealing provisions declaring the intent of the General
8 Assembly regarding the University police department; making conforming changes;
9 and generally relating to the repeal of a Johns Hopkins University police
10 department.

11 BY repealing

12 Article – Education

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

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Criminal Procedure

19 Section 2–101(a)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Criminal Procedure

24 Section 2–101(c)(25) and (26)

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing
2 Article – Criminal Procedure
3 Section 2–101(c)(27) and 10–205
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2020 Supplement)
- 6 BY repealing and reenacting, without amendments,
7 Article – Public Safety
8 Section 3–101(a) and (e)(1)(i), 3–107(c)(1) and (2), and 3–201(a) and (f)(1)(i)
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2020 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 3–101(e)(1)(ii)25. and 26. and (2)(ix) and (x), 3–107(c)(3), and
14 3–201(f)(1)(ii)20. and 21.
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)
- 17 BY repealing
18 Article – Public Safety
19 Section 3–101(e)(1)(ii)27. and (2)(xi) and 3–201(f)(1)(ii)22.
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)
- 22 BY repealing and reenacting, without amendments,
23 The Public Local Laws of Baltimore City
24 Section 16–41(a)
25 Article 4 – Public Local Laws of Maryland
26 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
27 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006, as amended
28 by Chapter 130 of the Acts of the General Assembly of 2015 and Chapter 25
29 of the Acts of the General Assembly of 2019)
- 30 BY repealing and reenacting, with amendments,
31 The Public Local Laws of Baltimore City
32 Section 16–41(g)
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
39 Chapter 25 of the Acts of the General Assembly of 2019
40 Section 3

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

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

7 **Article – Criminal Procedure**

8 2–101.

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

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

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

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

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

18 [10–205.

19 It is the intent of the General Assembly that the police department of the Johns
20 Hopkins University, established in accordance with Title 24, Subtitle 12 of the Education
21 Article, shall function as a criminal justice unit for the purposes of this subtitle.]

22 **Article – Public Safety**

23 3–101.

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

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

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

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

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

1 26. the police force of the Anne Arundel Community College[;
2 or

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

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

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

8 (x) a Howard County fire and explosive investigator as defined in §
9 2–208.6 of the Criminal Procedure Article]; or

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

12 3–107.

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

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

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

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

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

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

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

6 3–201.

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

8 (f) (1) “Police officer” means an individual who:

9 (i) is authorized to enforce the general criminal laws of the State;
10 and

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

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

15 21. the police force of the Anne Arundel Community College[;
16 or

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

19 **Article 4 – Baltimore City**

20 16–41.

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

22 (g) “Law enforcement unit” means:

23 (1) the Police Department of Baltimore City;

24 (2) the Baltimore City School Police;

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

26 (4) the Baltimore City Sheriff's Department;

27 (5) the Baltimore City Watershed Police Force;

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

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

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

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

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.