

# HOUSE BILL 1188

P1

5lr0089

---

By: **Chair, Judiciary Committee (By Request – Departmental – General Services)**

Introduced and read first time: February 23, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 26, 2015

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2015

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Capitol Police of the Department of General Services**

3 FOR the purpose of altering the definition of “police officer” and “law enforcement officer”  
4 under certain provisions of law; clarifying that the terms “police officer” and “law  
5 enforcement officer” include members of the Maryland Capitol Police of the  
6 Department of General Services; clarifying the description of the geographic area  
7 around certain multiservice centers over which the Department of General Services  
8 has police jurisdiction; specifying that the police and security force established by  
9 the Secretary of General Services is the Maryland Capitol Police of the Department  
10 of General Services; altering the circumstances under which a member of a certain  
11 police and security force may be transferred from one facility to another facility;  
12 providing for the application of certain provisions of law; and generally relating to  
13 the Maryland Capitol Police of the Department of General Services.

14 BY repealing and reenacting, with amendments,  
15 Article – Criminal Procedure  
16 Section 2–101(c)(9)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2014 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article – Health – General  
21 Section 18–213.2(a)(8)(ix) and (x)  
22 Annotated Code of Maryland

---

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 (2009 Replacement Volume and 2014 Supplement)
- 2 BY adding to
- 3 Article – Health – General
- 4 Section 18–213.2(a)(8)(xi)
- 5 Annotated Code of Maryland
- 6 (2009 Replacement Volume and 2014 Supplement)
- 7 BY repealing and reenacting, with amendments,
- 8 Article – Public Safety
- 9 Section 3–101(e)(1)(ii)16. and 3–201(e)(1)(ii)11.
- 10 Annotated Code of Maryland
- 11 (2011 Replacement Volume and 2014 Supplement)
- 12 BY repealing and reenacting, with amendments,
- 13 Article – State Finance and Procurement
- 14 Section 4–601 and 4–605
- 15 Annotated Code of Maryland
- 16 (2009 Replacement Volume and 2014 Supplement)
- 17 BY repealing and reenacting, with amendments,
- 18 Article – State Personnel and Pensions
- 19 Section 26–201(a)(10) and (b)(9)
- 20 Annotated Code of Maryland
- 21 (2009 Replacement Volume and 2014 Supplement)
- 22 BY repealing and reenacting, with amendments,
- 23 Article – Transportation
- 24 Section 16–205.1(i)(3)(i)12.
- 25 Annotated Code of Maryland
- 26 (2012 Replacement Volume and 2014 Supplement)
- 27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 28 That the Laws of Maryland read as follows:
- 29 **Article – Criminal Procedure**
- 30 2–101.
- 31 (c) “Police officer” means a person who in an official capacity is authorized by law
- 32 to make arrests and is:
- 33 (9) a member of the **MARYLAND CAPITOL POLICE OF THE** Department
- 34 of General Services [security force];

1 18-213.2.

2 (a) (8) "Law enforcement officer" means any individual who, in an official  
3 capacity, is authorized by law to make arrests and who is a member of one of the following  
4 law enforcement agencies:

5 (ix) The Field Enforcement Bureau of the Comptroller's Office; [or]

6 (x) The Intelligence and Investigative Division of the Department of  
7 Public Safety and Correctional Services; **OR**

8 **(XI) THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT**  
9 **OF GENERAL SERVICES.**

10 **Article – Public Safety**

11 3-101.

12 (e) (1) "Law enforcement officer" means an individual who:

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

14 16. the police force of the **MARYLAND CAPITOL POLICE OF**  
15 **THE** Department of General Services;

16 3-201.

17 (e) (1) "Police officer" means an individual who:

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

19 11. the police force of the **MARYLAND CAPITOL POLICE OF**  
20 **THE** Department of General Services;

21 **Article – State Finance and Procurement**

22 4-601.

23 The Department has jurisdiction over and full police authority for the enforcement  
24 of the criminal laws and the parking and motor vehicle laws as to the operation,  
25 maintenance, and protection of:

26 (1) buildings and grounds that, on June 30, 1984, were administered by the  
27 Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area  
28 that encompasses 1,000 feet in any direction from the boundary of those buildings and  
29 grounds;

(2) buildings and grounds that, on June 30, 1984, were administered by the Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area that encompasses 1,000 feet in any direction from the boundary of those buildings and grounds;

(3) multiservice centers designated by law or by the Board of Public Works **AND EXTENDING TO THE SURROUNDING AREA THAT ENCOMPASSES 1,000 FEET IN ANY DIRECTION FROM THE BOUNDARY OF THOSE MULTISERVICE CENTERS;** and

(4) other public improvements or grounds designated by law or by the Board of Public Works.

4–605.

(a) (1) In accordance with the provisions of the State Personnel and Pensions Article, the Secretary may establish a police and security force, **TO BE KNOWN AS THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES,** to protect people and property on or about improvements, grounds, and multiservice centers under the jurisdiction of the Department, and in the surrounding areas of the buildings and grounds in Annapolis and Baltimore City as described in § 4–601(1) [and], (2), **AND (3)** of this subtitle.

(2) The police and security force may include sworn police officers.

(b) ~~¶A member of the police and security force may not be involuntarily transferred from a site to another site~~ **FROM ONE FACILITY TO ANOTHER FACILITY UNLESS THE CHIEF HAS FIRST GIVEN DUE CONSIDERATION TO PENDING APPLICATIONS FOR TRANSFER.**

(c)¶ A member of the police and security force has the same powers as a sheriff or police officer under § 2–101 of the Criminal Procedure Article only if the member:

(1) meets the legal requirements set forth by the Maryland Police Training Commission; and

(2) is designated by the Department as a police officer.

### Article – State Personnel and Pensions

26–201.

(a) Except as provided in subsection (b) of this section, this subtitle applies only to:

1 (10) a member of the **MARYLAND CAPITOL POLICE OF THE** Department  
2 of General Services [Police Force] who has the powers granted to a police officer under §  
3 4-605 of the State Finance and Procurement Article;

4 (b) This subtitle does not apply to:

5 (9) a member of the **MARYLAND CAPITOL POLICE OF THE** Department  
6 of General Services, Department of Health and Mental Hygiene, Motor Vehicle  
7 Administration, or Department of Labor, Licensing, and Regulation Police Force who  
8 transferred from the Employees' Retirement System to the Employees' Pension System on  
9 or after April 1, 1998;

10 **Article – Transportation**

11 16-205.1.

12 (i) Notwithstanding any other provision of this section, a test for drug or  
13 controlled dangerous substance content under this section:

14 (3) May only be requested as described under subsection (b) of this section,  
15 required as described under subsection (c) of this section, or directed as described under  
16 subsection (d) of this section:

17 (i) In the case of a police officer who is a trainee, or who is  
18 participating directly or indirectly in a program of training described in paragraph (2) of  
19 this subsection, if the police officer is a member of, and is designated as a trainee or a  
20 participant by the head of:

21 12. The [security force] **MARYLAND CAPITOL POLICE** of the  
22 Department of General Services; or

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2015.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.