

HOUSE BILL 1188

P1

(5lr0089)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

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; *making certain conforming*
13 *changes*; and generally relating to the Maryland Capitol Police of the Department of
14 General Services.

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.

Italics indicate opposite chamber/conference committee amendments.



- 1 BY repealing and reenacting, with amendments,
2 Article – Criminal Procedure
3 Section 2–101(c)(9)
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2014 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Health – General
8 Section 18–213.2(a)(8)(ix) and (x)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2014 Supplement)
- 11 BY adding to
12 Article – Health – General
13 Section 18–213.2(a)(8)(xi)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2014 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 3–101(e)(1)(ii)16. and 3–201(e)(1)(ii)11.
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)
- 21 BY repealing and reenacting, with amendments,
22 Article – State Finance and Procurement
23 Section 4–601 and 4–605
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2014 Supplement)
- 26 BY repealing and reenacting, with amendments,
27 Article – State Personnel and Pensions
28 Section 26–201(a)(10) and (b)(9)
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2014 Supplement)
- 31 BY repealing and reenacting, with amendments,
32 Article – Transportation
33 Section 16–205.1(i)(3)(i)12.
34 Annotated Code of Maryland
35 (2012 Replacement Volume and 2014 Supplement)
- 36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
37 That the Laws of Maryland read as follows:

1 2–101.

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

4 (9) a member of the **MARYLAND CAPITOL POLICE OF THE** Department
5 of General Services [security force];

6 **Article – Health – General**

7 18–213.2.

8 (a) (8) “Law enforcement officer” means any individual who, in an official
9 capacity, is authorized by law to make arrests and who is a member of one of the following
10 law enforcement agencies:

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

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

14 **(XI) THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT**
15 **OF GENERAL SERVICES.**

16 **Article – Public Safety**

17 3–101.

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

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

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

22 3–201.

23 (e) (1) “Police officer” means an individual who:

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

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

27 **Article – State Finance and Procurement**

1 4-601.

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

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

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

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

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

18 4-605.

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

26 (2) The ~~police and security force~~ **MARYLAND CAPITOL POLICE OF THE**
27 **DEPARTMENT OF GENERAL SERVICES** may include sworn police officers.

28 (b) ~~¶A member of the police and security force~~ **MARYLAND CAPITOL POLICE OF**
29 **THE DEPARTMENT OF GENERAL SERVICES** may not be *involuntarily* ~~involuntarily~~
30 transferred ~~from a site to another site~~ **FROM ONE FACILITY TO ANOTHER FACILITY**
31 **UNLESS THE CHIEF HAS FIRST GIVEN DUE CONSIDERATION TO PENDING**
32 **APPLICATIONS FOR TRANSFER** *from a site to another site.*

1 (c) A member of the ~~police and security force~~ **MARYLAND CAPITOL POLICE OF**
2 **THE DEPARTMENT OF GENERAL SERVICES** has the same powers as a sheriff or police
3 officer under § 2-101 of the Criminal Procedure Article only if the member:

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

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

7 **Article – State Personnel and Pensions**

8 26-201.

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

11 (10) a member of the **MARYLAND CAPITOL POLICE OF THE** Department
12 of General Services [Police Force] who has the powers granted to a police officer under §
13 4-605 of the State Finance and Procurement Article;

14 (b) This subtitle does not apply to:

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

20 **Article – Transportation**

21 16-205.1.

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

24 (3) May only be requested as described under subsection (b) of this section,
25 required as described under subsection (c) of this section, or directed as described under
26 subsection (d) of this section:

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.