

Md. PUBLIC SAFETY Code Ann. § 3-301

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*** Statutes current through 2015 legislation ***

PUBLIC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 3. SPECIAL POLICE OFFICERS

Md. PUBLIC SAFETY Code Ann. § 3-301 (2015)

§ 3-301. Definitions

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

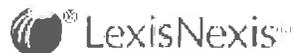
(b) Central Repository. -- "Central Repository" has the meaning stated in § 10-101 of the Criminal Procedure Article.

(c) Commission. -- "Commission" means a special police commission issued under this subtitle.

(d) Secretary. -- "Secretary" means the Secretary of State Police.

(e) Special police officer. -- "Special police officer" means an individual who holds a commission issued under this subtitle.

HISTORY: 2003, ch. 5, § 2; 2015, ch. 298.



Md. PUBLIC SAFETY Code Ann. § 3-302

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PUBLIC SAFETY
TITLE 3. LAW ENFORCEMENT
SUBTITLE 3. SPECIAL POLICE OFFICERS

Md. PUBLIC SAFETY Code Ann. § 3-302 (2015)

§ 3-302. Governor to appoint special police officers

The Governor may appoint and deputize as a special police officer each individual that the Governor considers qualified for a commission.

HISTORY: An. Code 1957, art. 41, § 4-901; 2003, ch. 5, § 2; 2015, ch. 298.



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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 3-303 (2015)

§ 3-303. Entities authorized to apply for appointment of special police officers; qualifications of applicants

(a) Entities authorized to apply for appointment of special police officers. -- The following entities may apply for the appointment of special police officers for the following purposes:

(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;

(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;

(3) a college, university, or public school system in the State, in order to protect its property or students; or

(4) a person that exists and functions for a legal business purpose, in order to protect its business property.

(b) Age. -- The applicant for a commission shall be at least 18 years old.

(c) Training and education. -- The Secretary may require training and education for special police officers as the Secretary considers necessary.

— **HISTORY:** An. Code 1957, art. 41, §§ 4-902(a)(3), 4-903(b), 4-904; 2003, ch. 5, § 2.

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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 3-304 (2015)

§ 3-304. Applications for commissions

(a) Employer to submit. --

(1) The employer of an applicant for a commission shall submit the application under this section.

(2) A separate application is required for each individual applicant for a commission.

(b) Contents; fingerprints; fees. --

(1) The employer of an applicant for a commission shall submit to the Secretary:

(i) an application in the manner and format designated by the secretary; and

(ii) subject to paragraph (4) of this subsection, an application fee of \$ 100, to cover the cost of an investigation of the applicant.

(2) As part of the application for a commission, the applicant shall submit to the Secretary the set of fingerprints and fees required under subsection (c) of this section.

(3) The application fee is nonrefundable.

(4) An application fee may not be charged to a unit of the State.

(c) Criminal history records check. --

(1) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a special police commission.

(2) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national

paragraph (2)(ii) and (iii) of this subsection.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history information.

(5) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for the purposes authorized by this section.

(6) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Department of State Police Licensing Division a revised printed statement of the applicant's or special police officer's State criminal history record.

HISTORY: An. Code 1957, art. 41, § 4-902(a)(1), (2), (4), (b); 2003, ch. 5, § 2; 2015, ch. 298.

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Md. PUBLIC SAFETY Code Ann. § 3-305 (2015)

§ 3-305. Investigations of applicants

(a) In general. --

(1) The Secretary shall investigate the character, reputation, and qualifications of each applicant for a commission.

(2) The investigation shall include an investigation of the applicant's criminal record.

(3) The Secretary shall conduct the investigation in accordance with rules and regulations adopted by the Secretary.

(b) Notice of final decision; appeal. --

(1) On completion of the investigation, the Secretary shall notify the applicant of the final decision of the Secretary on whether to recommend the denial or the granting of the application to the Governor.

(2) Any person aggrieved by a final decision of the Secretary to recommend the denial of an application under this section may take an appeal as a contested case in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) Recommendation to Governor. --

(1) The Secretary shall transmit to the Governor:

(i) the results of the investigation;

(ii) a recommendation on denying or granting the application;

(iii) the reasons for the recommendation; and

(iv) the final disposition of any appeal made by an aggrieved person described in subsection (b)(2) of his section.

(2) The Governor may accept the recommendation of the Secretary but need not issue a commission approved by the Secretary if the Governor believes it not to be in the best interest of the State to do so.

HISTORY: An. Code 1957, art. 41, § 4-903(a); 2003, ch. 5, § 2; 2009, ch. 679; 2015, ch. 298.

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Md. PUBLIC SAFETY Code Ann. § 3-307 (2015)

§ 3-307. Scope of commission

(a) In general. -- Each special police officer shall protect and preserve peace and good order on the property described in the application for the commission.

(b) Powers of special police officer. -- A special police officer may:

(1) arrest individuals who trespass or commit offenses on the property described in the application for the commission;

(2) exercise the powers of a police officer on the property described in the application for the commission;

(3) exercise the powers of a police officer in a county or municipal corporation of the State in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and

(4) direct and control traffic on public highways and roads in the immediate vicinity of the property described in the application for the commission in order to facilitate the orderly movement of traffic to and from the property, if the Secretary approves of this activity in advance.

(c) Limitations as to vehicle laws. --

(1) A special police officer may make an arrest or issue a traffic citation for a violation of the Maryland Vehicle Law or any other State or local traffic law or regulation only if the special police officer:

(i) has a probationary or permanent appointment as a security officer or is a member of an industrial police force; and

(ii) has completed the basic training course for police officers as established by the Police Training Commission in accordance with Subtitle 2 of this title.

(2) A special police officer may exercise the power described in paragraph (1) of this subsection only on the property of the special police officer's employer as described in the application for the commission, unless the special police officer is in active pursuit for the purpose of immediate apprehension.

HISTORY: An. Code 1957, art. 41, § 4-905; 2003, ch. 5, § 2.

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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 3-308 (2015)

§ 3-308. Liability for wrongful actions or abuse of powers

(a) Responsibility of special police officer. -- The special police officer is responsible for:

(1) any abuse of the special police officer's powers; and

(2) the exercise of the special police officer's powers on property not within the special police officer's jurisdiction.

(b) Responsibility of entity. -- The entity that requested the appointment of the special police officer is also responsible for:

(1) any wrongful action that the special police officer commits in the course of the special police officer's duties; and

(2) any abuse of the powers granted by the commission, either on or off the premises.

HISTORY: An. Code 1957, art. 41, § 4-905; 2003, ch. 5, § 2.

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TITLE 3. LAW ENFORCEMENT
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Md. PUBLIC SAFETY Code Ann. § 3-309 (2015)

§ 3-309. Oath

(a) Required. -- Within 30 days after issuance of a commission and before performing the duties of a special police officer, each special police officer shall take the oath required by Article I, § 9 of the Maryland Constitution before the clerk of the circuit court where the commission is received.

(b) Certificate of oath. -- The clerk of the court shall transmit to the Secretary of State a certificate that indicates that the special police officer has taken the oath required by subsection (a) of this section.

HISTORY: An. Code 1957, art. 41, § 4-908; 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 3-310 (2015)

§ 3-310. Uniform, badge, vehicle, equipment, and identification

(a) In general. --

(1) Unless a special police officer is on detective duty, the special police officer shall wear:

(i) a uniform that is distinguishable from ordinary civilian clothing and that gives notice that the special police officer is a special police officer; and

(ii) a distinctive police badge that properly identifies the officer as a special police officer.

(2) The badge shall be worn in plain view.

(3) The uniform, badge, vehicle, equipment, and identification are subject to approval by the Department of State Police.

(b) Detective duty. -- Each special police officer on detective duty shall carry:

(1) identification that properly identifies the special police officer as a special police officer; and

(2) the distinctive police badge described in subsection (a) of this section.

(c) Surrender of identification or badge to employer; employer to return commission card to Secretary. --

(1) A special police officer shall surrender to the special police officer's employer any identification or badge that identifies the individual as a special police officer within 48 hours after the suspension or termination of:

(i) the employment of the special police officer; or

(ii) the commission of the special police officer in accordance with § 3-313 of this subtitle.

(2) The special police officer's employer shall return the special police commission card to the Secretary within 10 days after the suspension or termination of a special police officer.

HISTORY: An. Code 1957, art. 41, § 4-907; 2003, ch. 5, § 2; 2015, ch. 298.

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Md. PUBLIC SAFETY Code Ann. § 3-311 (2015)

§ 3-311. Employee status; compensation

(a) Employee status. -- Each special police officer is deemed to be an employee of the entity that requested the appointment.

(b) Compensation. -- A special police officer shall be compensated by the entity on whatever terms contracted for.

HISTORY: An. Code 1957, art. 41, § 4-909; 2003, ch. 5, § 2.

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PUBLIC SAFETY
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Md. PUBLIC SAFETY Code Ann. § 3-312 (2015)

§ 3-312. Term and renewal of commission

(a) Term of commission. -- An initial commission expires 3 years after its date of issuance.

(b) Application for renewal. --

(1) At the end of the term of a commission, the commission is renewable for a 3-year term if the employer of the special police officer submits to the Secretary:

(i) an application in the manner and format designated by the Secretary;

(ii) one complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Federal Bureau of Investigation;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) subject to paragraph (2) of this subsection, pays to the Secretary a renewal fee of \$ 60.

(2) A renewal fee may not be charged to a unit of the State.

(c) Criminal history records check. --

(1) The Secretary shall apply to the Central Repository for a national criminal history records check for each applicant for a special police commission.

(2) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Federal Bureau of Investigation; and

(ii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (2)(ii) of this subsection.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history.

(5) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for the purposes authorized by this section.

(d) Deadline for renewal. -- The Secretary may set the deadline for submitting a renewal application to the Secretary.

HISTORY: An. Code 1957, art. 41, §§ 4-902(a)(4), 4-910; 2003, ch. 5, § 2; 2015, ch. 298.

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Md. PUBLIC SAFETY Code Ann. § 3-313 (2015)

§ 3-313. Suspensions and terminations

(a) In general. --

(1) Except as provided in subsection (c) of this section, a commission is suspended or terminates when the employer of the special police officer files written notice with the Secretary that states that the special police officer is suspended from or relieved of the duties of a special police officer.

(2) The Governor may suspend or terminate a commission:

(i) on recommendation of the Secretary; or

(ii) on the Governor's own motion if the Governor finds it in the best interest of the State.

(3) The suspension or termination shall be noted in the official records of the Governor.

(4) The suspension or termination may not take effect until 5 days after notice is sent to both the special police officer and the special police officer's employer.

(b) Delegation of power by Governor. --

(1) The Governor may delegate the power to suspend a commission to the Secretary.

(i) The Secretary may suspend a commission if it appears that the action is in the best interest of the public.

(ii) A suspension issued by the Secretary shall be reviewed by the Governor within 30 days to determine if the suspension should continue or if the commission should be terminated.

(2) The Governor may delegate the power to suspend or terminate a commission to the Secretary of State, the Assistant Secretary of State, or both.

(c) Exception. -- A commission does not terminate if:

(1) an employer no longer needs the services of a special police officer because the employer has transferred the business property described in the commission to another person for legal business purposes; and

(2) the other person executes a form prepared by the Secretary of State that affirms that the other

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Md. PUBLIC SAFETY Code Ann. § 3-314 (2015)

§ 3-314. Immunity of State, subdivision, or municipal corporation

The State and any subdivision or municipal corporation of the State shall have the immunity from liability described under § 5-613 of the Courts Article unless the subdivision or municipal corporation requests the appointment of an individual as a special police officer and the request is granted as provided in this subtitle.

HISTORY: An. Code 1957, art. 41, § 4-912; 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 3-315 (2015)

§ 3-315. Prohibited acts; penalty

(a) Acting as special police officer without commission prohibited. -- An individual may not exercise or attempt to exercise any of the powers of a special police officer granted under this subtitle without a commission.

(b) Acting as special police officer with knowledge of suspension or termination prohibited. --

(1) An individual may not exercise or attempt to exercise any of the powers of a special police officer granted under this subtitle if the individual knows of the suspension or termination of the individual's commission or if the individual has in any manner received notice of the suspension or termination of the individual's commission.

(2) An individual is presumed to know of a suspension or termination if notice of the suspension or termination is filed and mailed in accordance with § 3-313 of this subtitle.

(c) Employing individual as special police officer without commission prohibited. -- An employer may not knowingly:

(1) hire an individual to perform the duties of a special police officer unless the individual holds a commission; or

(2) continue to employ an individual to perform the duties of a special police officer:

(i) unless the individual holds a commission; or

(ii) if the individual's commission is suspended or terminated.

(d) Penalty. -- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$ 1,000 or both.

HISTORY: An. Code 1957, art. 41, §§ 4-911, 4-913(a); 2003, ch. 5, § 2.

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Md. PUBLIC SAFETY Code Ann. § 3-316 (2015)

§ 3-316. Regulations

The Secretary may, as the Secretary considers necessary to carry out the purpose of this subtitle, adopt rules and regulations for the conduct of special police officers.

HISTORY: An. Code 1957, art. 41, § 4-903(b); 2003, ch. 5, § 2; 2015, ch. 298.

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