

Chapter 133

(Senate Bill 786)

AN ACT concerning

Maryland Police Accountability Act of 2021 – Baltimore City – Control of the Police Department of Baltimore City

FOR the purpose of providing that the Police Department of Baltimore City is an agency and instrumentality of the City of Baltimore, instead of the State; providing that certain police officers have the authority conferred under a certain provision of law; clarifying that the Police Department shall be considered to be an agency and instrumentality of the State for certain actions arising prior to a certain date and that the Police Department shall be considered to be an agency and instrumentality of Baltimore City for certain actions arising on and after a certain date; establishing an Advisory Board on the Transfer of Control of the Police Department of Baltimore City; providing for the membership, chair, staffing, and duties of the Advisory Board; requiring the Advisory Board to submit certain reports to certain persons at certain times; making a portion of this Act contingent on the passage and ratification, by a certain date, of a certain Baltimore City Charter amendment; *stating the intent of the General Assembly*; providing for the effective dates of this Act; and generally relating to the Police Department of Baltimore City.

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–2(a) and 16–3
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article 4 – Baltimore City

16–2.

(a) The Police Department of Baltimore City is hereby constituted and established as an agency and instrumentality of the [State of Maryland] **CITY OF BALTIMORE**. The purpose generally of the department shall be to safeguard the lives and safety of all persons within the City of Baltimore, to protect property therein, and to assist in securing to all persons the equal protection of the laws. The department shall have, within the boundaries of said city, the specific duty and responsibility to preserve the public peace; to detect and prevent the commission of crime; to enforce the laws of this State, and of the Mayor and City Council of Baltimore not inconsistent with the provisions of this subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused

of violating such laws and ordinances; to preserve order at public places; to maintain the orderly flow of traffic on public streets and highways; to assist law enforcement agencies of this State, any municipality of the United States in carrying out their respective duties; and to discharge its duties and responsibilities with the dignity and manner which will inspire public confidence and respect.

16-3.

(a) All police officers of the department, including such other members thereof who may be designated by the Commissioner from time to time to exercise the powers and duties of police officers, shall [be peace officers and shall have the same powers, with respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs, constables, police and peace officers possessed at common law and have in their respective jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in those areas outside the corporate limits of Baltimore City owned, controlled, operated or leased by the Mayor and City Council of Baltimore, and against whom criminal process shall have issued, may be arrested upon the same in any part of the State by police officers of the department, as constituted and established by this subtitle] **HAVE THE AUTHORITY CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.**

(b) All police officers of the department shall have and enjoy all the immunities and matters of defense now available, or such as hereafter may be made available, to sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against them in consequence of acts done in the course of their official duties.

SECTION 2. AND BE IT FURTHER ENACTED, That the Police Department of Baltimore City shall be considered to be an agency and instrumentality of the State for all actions arising out of acts, omissions, or events that have occurred prior to the date of transfer of control of the Police Department, ~~which shall be on January 1, 2025~~. For all actions arising out of acts, omissions, or events that occur on and after ~~January 1, 2025~~ the date of transfer of control of the Police Department, the Police Department of Baltimore City shall be considered an agency and instrumentality of Baltimore City.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is an Advisory Board on the Transfer of Control of the Police Department of Baltimore City.

(b) The Advisory Board consists of the following members:

(1) the Mayor of Baltimore City;

(2) one member of the Senate of Maryland who represents Baltimore City, appointed by the President of the Senate;

- (3) one member of the House of Delegates who represents Baltimore City, appointed by the Speaker of the House;
- (4) the Baltimore City Police Commissioner, or the Commissioner's designee;
- (5) the Director of the Mayor's Office of Neighborhood Safety and Engagement, or the Director's designee;
- (6) the Chief Equity Officer of Baltimore City, or the Chief Equity Officer's designee;
- (7) ~~one representative from the Baltimore Police Monitoring Team;~~
- ~~(8) one representative from the Baltimore City Council; and~~
- ~~(9) the Baltimore City Council President, or the President's designee;~~
- (8) the City Solicitor, or the Solicitor's designee;
- (9) one representative from the Civilian Review Board of Baltimore City;
- (10) three members representing the community, appointed by the Mayor of Baltimore City and subject to confirmation by the Baltimore City Council;
- (11) one representative from the Baltimore City Lodge of Fraternal Order of Police;
- (12) one representative from the Vanguard Justice Society, Inc.;
- (13) three members with experience in criminal justice, police reform, or community policing, appointed by the Mayor of Baltimore City and subject to confirmation by the Baltimore City Council; and
- (14) as nonvoting ex officio members:
- (i) one representative from the Baltimore Police Monitoring Team;
- and
- (ii) one representative from the ~~Community Oversight Taskforce~~ Citizens Advisory Commission for Public Safety.
- (c) The Advisory Board shall elect the chair of the Advisory Board.
- (d) The Office of the Mayor of Baltimore City shall provide staff for the Advisory Board.

(e) The Advisory Board shall study the potential issues related to the transfer of control of the Police Department of Baltimore City from the State to the City, including:

- (1) implementation of the ongoing consent decree;
- (2) management of the Police Department;
- (3) the transfer of personnel;
- (4) different models of local control of the Police Department;
- (5) financial impacts of local control, including liability issues; and
- (6) the details of a potential charter amendment to assume control of the Police Department.

(f) (1) On or before December 1, 2021, the Advisory Board shall submit an interim report of its initial findings and recommendations to the Baltimore City Council, the Governor, and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before December 1, 2022, the Advisory Board shall submit its final report to the Baltimore City Council, the Governor, and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that enactment of the transfer of control of the Police Department of Baltimore City will not remove the right to collectively bargain currently afforded to Baltimore City police officers under State and local law.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsection (b) of this section, Sections 1 and 2 of this Act shall take effect ~~January 1, 2025~~, contingent on the passage of an amendment to the Charter of Baltimore City that provides for the transfer of control of the Police Department of Baltimore City to the City of Baltimore from the State of Maryland and its ratification by the voters of Baltimore City at either the 2022 or the 2024 general election.

(b) (1) If an amendment to the Charter of Baltimore City that provides for the transfer of control of the Police Department of Baltimore City to the City of Baltimore from the State of Maryland is ratified at the 2022 general election, Sections 1 and 2 of this Act shall take effect January 1, 2023.

(2) If an amendment to the Charter of Baltimore City that provides for the transfer of control of the Police Department of Baltimore City to the City of Baltimore from

the State of Maryland is ratified at the 2024 general election, Sections 1 and 2 of this Act shall take effect January 1, 2025.

(c) If an amendment to the Charter of Baltimore City that provides for the transfer of control of the Police Department of Baltimore City to the City of Baltimore from the State of Maryland is not passed and ratified at either the 2022 or the 2024 general election, Sections 1 and 2 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION ~~5~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in Section ~~4~~ 5 of this Act, this Act shall take effect June 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2021.