

HOUSE BILL 9

L2, E4

(PRE-FILED)

7lr0473
CF 7lr0483

By: **Delegates McCray, Hayes, and Anderson**

Requested: August 3, 2016

Introduced and read first time: January 11, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Police Districts – Redistricting**

3 FOR the purpose of requiring the Police Commissioner of Baltimore City, following each
4 decennial census of the United States, to prepare a plan for the adjustment of the
5 geographic boundaries and composition of each Baltimore City police district and the
6 reallocation of the resources and personnel of the Baltimore City Police Department
7 among each district using certain information; requiring the Commissioner to
8 present the plan to the Mayor and City Council of Baltimore City within a certain
9 time period; requiring the plan to be approved by resolution of the Mayor and City
10 Council within a certain time frame; authorizing the Mayor to propose amendments
11 to the plan; requiring any amendments proposed by the Mayor to be approved by
12 resolution of the City Council; requiring the plan to go into effect without the
13 approval of the Mayor and City Council under certain circumstances; requiring the
14 Commissioner to implement any plan made effective under this Act; providing for
15 the construction of this Act; and generally relating to the Baltimore City police
16 districts.

17 BY repealing and reenacting, without amendments,
18 The Public Local Laws of Baltimore City
19 Section 16–1(1), (2), and (3) and 16–7(1), (2), and (4)
20 Article 4 – Public Local Laws of Maryland
21 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

22 BY repealing and reenacting, without amendments,
23 The Public Local Laws of Baltimore City
24 Section 16–7(3)
25 Article 4 – Public Local Laws of Maryland
26 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
27 (As enacted by Chapter 70 of the Acts of the General Assembly of 2012)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY adding to

The Public Local Laws of Baltimore City

Section 16–55

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

16–1.

The following words and phrases as used in this subtitle shall have or include the following meanings.

(1) “Board” shall mean the Civilian Review Board established in § 16–42 of this subtitle.

(2) “Department” shall mean the Police Department of Baltimore City as constituted and established by this subtitle.

(3) “Commissioner” or “Commissioner of Police” shall mean the Police Commissioner of Baltimore City.

16–7.

In directing and supervising the operations and affairs of the Department, the Commissioner shall, subject to the provisions of this subtitle, and subject to the provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter of Baltimore City (1964 Revision) as amended from time to time, be vested with all the powers, rights and privileges attending the responsibility of management, and may exercise the same, where appropriate, by rule, regulation, order or other departmental directive which shall be binding on all members of the Department when duly promulgated. In the event of a conflict between the provisions of Article VI and Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The authority herein vested in the Police Commissioner shall specifically include, but not be limited to, the following:

(1) To determine and establish the form of organization of the Department.

(2) To create bureaus, divisions, districts, sections, units, squads or other subordinate organizational subdivisions or segments within the Department, including departmental boards and commissions, and to determine and define the functions, duties and responsibilities of each.

(3) To appoint without examination and to serve at his pleasure during satisfactory performance, Deputy Commissioners and other ranks and positions above the rank of Lieutenant which the Commissioner has determined require the experience of a Lieutenant as a prerequisite in order to insure the effective and efficient staffing and operation of the major functional subdivisions of the Department.

(4) To assign, reassign, allocate and reallocate members of the Department to those duties, and to those organizational subdivisions of the Department as the Commissioner in his judgment may deem necessary to best serve the interests of the public and the Department.

16-55.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DISTRICT" MEANS A POLICE DISTRICT OF THE DEPARTMENT.

(3) "PLAN" MEANS THE PLAN PREPARED BY THE COMMISSIONER UNDER SUBSECTION (B)(1) OF THIS SECTION.

(B) IN ORDER TO ENSURE THAT THE RESOURCES OF THE DEPARTMENT ARE EFFICIENTLY ALLOCATED, FOLLOWING EACH DECENNIAL CENSUS OF THE UNITED STATES, THE COMMISSIONER SHALL:

(1) PREPARE A PLAN FOR THE ADJUSTMENT OF THE GEOGRAPHIC BOUNDARIES AND COMPOSITION OF EACH DISTRICT AND THE REALLOCATION OF THE RESOURCES AND PERSONNEL OF THE DEPARTMENT AMONG EACH DISTRICT USING:

(I) DECENNIAL CENSUS POPULATION AND HOUSING DATA OF THE UNITED STATES CENSUS BUREAU;

(II) DISTRICT CALL VOLUME TRENDS;

(III) DISTRICT RESPONSE TIMES; AND

(IV) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER; AND

(2) WITHIN 1 YEAR FROM THE ISSUANCE OF THE DECENNIAL CENSUS POPULATION AND HOUSING DATA BY THE UNITED STATES CENSUS BUREAU, PRESENT THE PLAN TO THE MAYOR AND CITY COUNCIL.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE PLAN MUST BE APPROVED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL WITHIN 180 DAYS FROM THE PRESENTATION OF THE PLAN.

(2) (I) THE MAYOR MAY PROPOSE AMENDMENTS TO THE PLAN DURING THE TIME PERIOD SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION.

(II) AMENDMENTS PROPOSED BY THE MAYOR IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH MUST BE APPROVED BY RESOLUTION OF THE CITY COUNCIL.

(3) A PLAN APPROVED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IS EFFECTIVE IMMEDIATELY.

(4) IF THE PLAN IS NOT APPROVED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THEN THE PLAN, AS PRESENTED BY THE COMMISSIONER TO THE MAYOR AND CITY COUNCIL, WILL GO INTO EFFECT ON THE DAY AFTER THE EXPIRATION OF THE TIME PERIOD SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE COMMISSIONER SHALL IMPLEMENT ANY PLAN MADE EFFECTIVE UNDER SUBSECTION (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to limit the authority of the Commissioner under Article 4, Subtitle 16 of the Public Local Laws of Baltimore City.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.