

SENATE BILL 118

E4

11r0004

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)**

Requested: September 21, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 26, 2021

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Warrant Apprehension Unit – Transfer**

3 FOR the purpose of transferring the Warrant Apprehension Unit of the Division of Parole
4 and Probation in the Department of Public Safety and Correctional Services to the
5 Intelligence and Investigative Division in the Department; making conforming and
6 technical changes; defining certain terms; and generally relating to the Warrant
7 Apprehension Unit in the Department of Public Safety and Correctional Services.

8 BY repealing

9 Article – Correctional Services

10 Section 6–106

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2020 Supplement)

13 BY adding to

14 Article – Correctional Services

15 Section 10–702

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Criminal Procedure

20 Section 2–101(c)(25)

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.



Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)25. and 3–201(f)(1)(ii)20.
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–201(f)(1)(i)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 26–201(a)(21), 26–202(b)(1)(xix), 26–203.1(f), and 26–203.4(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2020 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 6–106 of Article – Correctional Services of the Annotated Code of Maryland
be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Correctional Services

10–702.

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

(2) “OFFENDER” HAS THE MEANING STATED IN § 6–101 OF THIS
ARTICLE.

(3) “PROGRAM” HAS THE MEANING STATED IN § 6–101 OF THIS
ARTICLE.

(B) THERE IS A WARRANT APPREHENSION UNIT IN THE INTELLIGENCE
AND INVESTIGATIVE DIVISION.

(C) THE DIRECTOR OF THE INTELLIGENCE AND INVESTIGATIVE DIVISION
MAY AUTHORIZE EMPLOYEES OF THE WARRANT APPREHENSION UNIT OF THE

INTELLIGENCE AND INVESTIGATIVE DIVISION TO:

(1) EXECUTE WARRANTS FOR THE RETAKING OF OFFENDERS;

(2) EXECUTE WARRANTS FOR THE ARREST OF PROBATIONERS FOR WHOM A WARRANT IS ISSUED FOR AN ALLEGED VIOLATION OF PROBATION;

(3) OBTAIN AND EXECUTE SEARCH WARRANTS AS AUTHORIZED UNDER § 6–109 OF THIS ARTICLE; AND

(4) ARREST OFFENDERS IN THE PROGRAM AS AUTHORIZED UNDER § 2–207 OF THE CRIMINAL PROCEDURE ARTICLE.

(D) AN INTELLIGENCE AND INVESTIGATIVE DIVISION EMPLOYEE WHO IS AUTHORIZED TO MAKE ARRESTS UNDER THIS SECTION SHALL:

(1) MEET THE MINIMUM QUALIFICATIONS REQUIRED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION; AND

(2) COMPLETE SATISFACTORILY THE TRAINING PRESCRIBED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

(E) AN INTELLIGENCE AND INVESTIGATIVE DIVISION EMPLOYEE WHO IS AUTHORIZED TO MAKE ARRESTS UNDER THIS SECTION MAY ALSO EXERCISE THE POWERS OF A PEACE OFFICER AND POLICE OFFICER.

Article – Criminal Procedure

2–101.

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

(25) an employee of the Warrant Apprehension Unit of the [Division of Parole and Probation] INTELLIGENCE AND INVESTIGATIVE DIVISION in the Department;

Article – Public Safety

3–101.

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

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

25. the Warrant Apprehension Unit of the [Division of Parole and Probation] **INTELLIGENCE AND INVESTIGATIVE DIVISION** in the Department of Public Safety and Correctional Services;

3–201.

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

(i) is authorized to enforce the general criminal laws of the State; and

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

20. [the parole and probation employees of] the Warrant Apprehension Unit of the [Division of Parole and Probation] **INTELLIGENCE AND INVESTIGATIVE DIVISION** in the Department [who are authorized to make arrests];

Article – State Personnel and Pensions

26–201.

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

(21) an employee of the Warrant Apprehension Unit of the [Division of Parole and Probation] **INTELLIGENCE AND INVESTIGATIVE DIVISION** in the Department of Public Safety and Correctional Services who has the powers granted to a peace officer or police officer under § [6–106] **10–702** of the Correctional Services Article.

26–202.

(b) (1) Subject to paragraph (2) of this subsection, membership in the Law Enforcement Officers’ Pension System is optional for an individual described in § 26–201 of this subtitle:

(xix) who was an employee of the Warrant Apprehension Unit, **FORMERLY** of the Division of Parole and Probation in the Department of Public Safety and Correctional Services, who [has] **HAD** powers granted to a peace officer or police officer under **THE FORMER** § 6–106 of the Correctional Services Article on June 30, 2015, and who [elects] **ELECTED** membership on or before December 31, 2015.

26–203.1.

(f) (1) This subsection applies to a member of the Warrant Apprehension Unit, **FORMERLY** of the Division of Parole and Probation in the Department of Public Safety and Correctional Services, who [has]:

(i) **HAD** the powers granted to a peace officer or police officer under **THE FORMER** § 6–106 of the Correctional Services Article; and [transfers]

(ii) **TRANSFERRED** to the Law Enforcement Officers' Pension System on or before December 31, 2015.

(2) The Board of Trustees shall transfer to the accumulation fund of the Law Enforcement Officers' Pension System the employer contributions made to the Employees' Pension System on behalf of those members under paragraph (1) of this subsection, plus the interest earned on those contributions through the date of transfer.

26–203.4.

(a) This section applies to an employee of the Warrant Apprehension Unit, **FORMERLY** of the Division of Parole and Probation in the Department of Public Safety and Correctional Services, who [has]:

(1) **HAD** the powers granted to a peace officer or police officer under **THE FORMER** § 6–106 of the Correctional Services Article; and [transfers]

(2) **TRANSFERRED** to the Law Enforcement Officers' Pension System on or before December 31, 2015.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.