

HOUSE BILL 440

L2, E4
HB 9/17 – ENV

8lr2357

By: **Delegates McCray, Ali, Anderson, Clippinger, Conaway, Gibson, Glenn, Hayes, Haynes, R. Lewis, Lierman, McIntosh, Mosby, Rosenberg, and M. Washington**

Introduced and read first time: January 25, 2018
Assigned to: Environment and Transportation

Committee Report: Favorable
House action: Adopted
Read second time: March 12, 2018

CHAPTER _____

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 the districts 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)

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.



1 BY repealing and reenacting, without amendments,
2 The Public Local Laws of Baltimore City
3 Section 16–7(3)
4 Article 4 – Public Local Laws of Maryland
5 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
6 (As enacted by Chapter 70 of the Acts of the General Assembly of 2012)

7 BY adding to
8 The Public Local Laws of Baltimore City
9 Section 16–55
10 Article 4 – Public Local Laws of Maryland
11 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

14 **Article 4 – Baltimore City**

15 16–1.

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

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

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

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

24 16–7.

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

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

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

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

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

14 **16-55.**

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

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

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

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

23 **(1) PREPARE A PLAN FOR THE ADJUSTMENT OF THE GEOGRAPHIC**
24 **BOUNDARIES AND COMPOSITION OF EACH DISTRICT AND THE REALLOCATION OF**
25 **THE RESOURCES AND PERSONNEL OF THE DEPARTMENT AMONG THE DISTRICTS**
26 **USING:**

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

29 **(II) DISTRICT CALL VOLUME TRENDS;**

30 **(III) DISTRICT RESPONSE TIMES; AND**

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

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

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

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

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

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

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

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

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

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 25 October 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.