

SENATE BILL 118

E4

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(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

A BILL ENTITLED

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)

21 Annotated Code of Maryland

22 (2018 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Public Safety

25 Section 3–101(e)(1)(ii)25. and 3–201(f)(1)(ii)20.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2020 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Public Safety
5 Section 3–201(f)(1)(i)
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Personnel and Pensions
10 Section 26–201(a)(21), 26–202(b)(1)(xix), 26–203.1(f), and 26–203.4(a)
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2020 Supplement)

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15 be repealed.

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

18 **Article – Correctional Services**

19 **10–702.**

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

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

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

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

28 **(C) THE DIRECTOR OF THE INTELLIGENCE AND INVESTIGATIVE DIVISION**
29 **MAY AUTHORIZE EMPLOYEES OF THE WARRANT APPREHENSION UNIT OF THE**
30 **INTELLIGENCE AND INVESTIGATIVE DIVISION TO:**

31 **(1) EXECUTE WARRANTS FOR THE RETAKING OF OFFENDERS;**

32 **(2) EXECUTE WARRANTS FOR THE ARREST OF PROBATIONERS FOR**

1 WHOM A WARRANT IS ISSUED FOR AN ALLEGED VIOLATION OF PROBATION;

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

4 (4) ARREST OFFENDERS IN THE PROGRAM AS AUTHORIZED UNDER §
5 2-207 OF THE CRIMINAL PROCEDURE ARTICLE.

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

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

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

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

15 **Article – Criminal Procedure**

16 2-101.

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

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

22 **Article – Public Safety**

23 3-101.

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

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

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

29 3-201.

1 (f) (1) "Police officer" means an individual who:

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

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

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

8 **Article – State Personnel and Pensions**

9 26–201.

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

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

16 26–202.

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

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

25 26–203.1.

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

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

31 (ii) **TRANSFERRED** to the Law Enforcement Officers' Pension

1 System on or before December 31, 2015.

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

6 26–203.4.

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

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

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

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