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By: **Prince George's County Delegation and Montgomery County  
Delegation**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2006

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Park Police of the Maryland-National Capital Park and Planning**  
 3 **Commission - Identity Fraud ~~Investigatory Authority~~ and Notification of**  
 4 **Investigations**  
 5 **PG/MC 107-06**

6 FOR the purpose of providing statewide jurisdiction for the park police of the  
 7 Maryland-National Capital Park and Planning Commission investigating the  
 8 crime of fraudulent use of personal identifying information; specifying certain  
 9 limitations on the authority of the police; requiring certain notifications; and  
 10 generally relating to the authority of the park police of the Maryland-National  
 11 Capital Park and Planning Commission.

12 BY repealing and reenacting, without amendments,  
 13 Article - Criminal Law  
 14 Section 8-301(a), (b), (c), and (k)  
 15 Annotated Code of Maryland  
 16 (2002 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,  
 18 Article - Criminal Law  
 19 Section 8-301(i) and (j)  
 20 Annotated Code of Maryland  
 21 (2002 Volume and 2005 Supplement)

22 BY repealing and reenacting, without amendments,

1 Article - Criminal Procedure  
2 Section 2-102(b)  
3 Annotated Code of Maryland  
4 (2001 Volume and 2005 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - Criminal Procedure  
7 Section 2-102(c)  
8 Annotated Code of Maryland  
9 (2001 Volume and 2005 Supplement)

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

12 **Article - Criminal Law**

13 8-301.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Payment device number" has the meaning stated in § 8-213 of this  
16 title.

17 (3) "Personal identifying information" means a name, address, telephone  
18 number, driver's license number, Social Security number, place of employment,  
19 employee identification number, mother's maiden name, bank or other financial  
20 institution account number, date of birth, personal identification number, credit card  
21 number, or other payment device number.

22 (b) A person may not knowingly, willfully, and with fraudulent intent possess,  
23 obtain, or help another to possess or obtain any personal identifying information of an  
24 individual, without the consent of the individual, in order to use, sell, or transfer the  
25 information to get a benefit, credit, good, service, or other thing of value in the name  
26 of the individual.

27 (c) A person may not knowingly and willfully assume the identity of another:

28 (1) to avoid identification, apprehension, or prosecution for a crime; or

29 (2) with fraudulent intent to:

30 (i) get a benefit, credit, good, service, or other thing of value; or

31 (ii) avoid the payment of debt or other legal obligation.

32 (i) (1) Notwithstanding any other law, a law enforcement officer of the  
33 Maryland Transportation Authority Police, the Maryland Port Administration Police,  
34 THE PARK POLICE OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
35 COMMISSION, or a municipal corporation or county may investigate violations of this

1 section throughout the State without any limitation as to jurisdiction and to the same  
2 extent as a law enforcement officer of the Department of State Police.

3 (2) The authority granted in paragraph (1) of this subsection may be  
4 exercised only in accordance with regulations that the Department of State Police  
5 adopts.

6 (3) The regulations are not subject to Title 10, Subtitle 1 of the State  
7 Government Article.

8 (4) The authority granted in paragraph (1) of this subsection may be  
9 exercised only if an act related to the crime was committed in the investigating law  
10 enforcement agency's jurisdiction or if the complaining witness resides in the  
11 investigating law enforcement agency's jurisdiction.

12 (j) If action is taken under the authority granted in subsection (i) of this  
13 section, notification of an investigation:

14 (1) in a municipal corporation, shall be made to the chief of police or  
15 designee of the chief of police;

16 (2) in a county that has a county police department, shall be made to the  
17 chief of police or designee of the chief of police;

18 (3) in a county without a police department, shall be made to the sheriff  
19 or designee of the sheriff;

20 (4) in Baltimore City, shall be made to the Police Commissioner or the  
21 Police Commissioner's designee; [and]

22 (5) on property owned, leased, or operated by or under the control of the  
23 Maryland Transportation Authority, the Maryland Aviation Administration, or the  
24 Maryland Port Administration, shall be made to the respective chief of police or the  
25 chief's designee; AND

26 (6) ON PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE  
27 CONTROL OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING  
28 COMMISSION, TO THE CHIEF OF POLICE OF THE MARYLAND-NATIONAL CAPITAL  
29 PARK AND PLANNING COMMISSION FOR THE COUNTY IN WHICH THE PROPERTY IS  
30 LOCATED.

31 (k) When acting under the authority granted in subsection (h) or (i) of this  
32 section, a law enforcement officer:

33 (1) in addition to any other immunities and exemptions to which the  
34 officer may be entitled, has the immunities from liability and exemptions accorded to  
35 a law enforcement officer of the Department of State Police; but

36 (2) remains an employee of the officer's employing agency.

**Article - Criminal Procedure**

2 2-102.

3 (b) (1) Subject to the limitations of paragraph (3) of this subsection, a police  
4 officer may make arrests, conduct investigations, and otherwise enforce the laws of  
5 the State throughout the State without limitations as to jurisdiction.

6 (2) This section does not authorize a police officer who acts under the  
7 authority granted by this section to enforce the Maryland Vehicle Law beyond the  
8 police officer's sworn jurisdiction, unless the officer is acting under a mutual aid  
9 agreement authorized under § 2-105 of this subtitle.

10 (3) A police officer may exercise the powers granted by this section when:

11 (i) 1. the police officer is participating in a joint investigation  
12 with officials from another State, federal, or local law enforcement unit, at least one  
13 of which has local jurisdiction;

14 2. the police officer is rendering assistance to another police  
15 officer;

16 3. the police officer is acting at the request of a police officer  
17 or State Police officer; or

18 4. an emergency exists; and

19 (ii) the police officer is acting in accordance with regulations  
20 adopted by the police officer's employing unit to carry out this section.

21 (4) The powers granted by this section are in addition to the powers  
22 granted by §§ 5-801, 5-802, 5-807, 5-808, and 5-901 of the Criminal Law Article and  
23 to the powers of fresh pursuit granted by Subtitle 3 of this title.

24 (c) (1) A police officer who acts under the authority granted by this section  
25 shall notify the following persons of an investigation or enforcement action:

26 (i) 1. the chief of police, if any, or chief's designee, when in a  
27 municipal corporation;

28 2. the Police Commissioner or Police Commissioner's  
29 designee, when in Baltimore City;

30 3. the chief of police or chief's designee, when in a county  
31 with a county police department, except Baltimore City;

32 4. the sheriff or sheriff's designee, when in a county without  
33 a county police department;

