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

Introduced and read first time: February 9, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Park Police of the Maryland-National Capital Park and Planning**
3 **Commission - Enforcement Authority**
4 **PG/MC 108-06**

5 FOR the purpose of providing statewide jurisdiction for the park police of the
6 Maryland-National Capital Park and Planning Commission when enforcing
7 certain laws of the State regarding controlled dangerous substances and
8 forfeiture of certain property; requiring certain notifications if an investigation
9 or enforcement action is taken on certain property; and generally relating to the
10 authority of the park police of the Maryland-National Capital Park and
11 Planning Commission.

12 BY repealing and reenacting, without amendments,
13 Article - Criminal Law
14 Section 5-102
15 Annotated Code of Maryland
16 (2002 Volume and 2005 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article - Criminal Law
19 Section 5-802
20 Annotated Code of Maryland
21 (2002 Volume and 2005 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article - Criminal Procedure
24 Section 12-102
25 Annotated Code of Maryland
26 (2001 Volume and 2005 Supplement)

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

1

Article - Criminal Law

2 5-102.

3 (a) The General Assembly finds that:

4 (1) many of the substances listed in this title have a useful and
5 legitimate medical purpose and are necessary to maintain the health and general
6 welfare of the people of the State; but7 (2) the illegal manufacture, distribution, possession, and administration
8 of controlled dangerous substances have a substantial and detrimental effect on the
9 health and general welfare of the people of the State.10 (b) (1) The purpose of this title is to establish a uniform law to control the
11 manufacture, distribution, possession, and administration of controlled dangerous
12 substances and related paraphernalia to:13 (i) ensure their availability for legitimate medical and scientific
14 purposes; but15 (ii) prevent their abuse, which results in a serious health problem
16 to the individual and represents a serious danger to the welfare of the people of the
17 State.

18 (2) This title shall be liberally construed to accomplish this purpose.

19 5-802.

20 (a) (1) Notwithstanding any other law, a law enforcement officer of the
21 Maryland Transportation Authority Police, a municipal corporation, THE PARK
22 POLICE OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION,
23 or a county may investigate and otherwise enforce this title and Title 12 of the
24 Criminal Procedure Article throughout the State without any limitation as to
25 jurisdiction and to the same extent as a law enforcement officer of the Department of
26 State Police.27 (2) The authority granted in paragraph (1) of this subsection may be
28 exercised only in accordance with regulations that the Secretary of the State Police
29 adopts.30 (3) The regulations are not subject to Title 10, Subtitle 1 of the State
31 Government Article.32 (b) If action is taken under the authority granted in this section, notification
33 of an investigation or enforcement action shall be made:34 (1) in a municipal corporation, to the chief of police or designee of the
35 chief of police;

1 (2) in a county that has a county police department, to the chief of police
2 or designee of the chief of police;

3 (3) ON PROPERTY OWNED, LEASED, OR OPERATED BY OR UNDER THE
4 CONTROL OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING
5 COMMISSION, TO THE CHIEF OF POLICE OF THE MARYLAND-NATIONAL CAPITAL
6 PARK AND PLANNING COMMISSION FOR THE COUNTY IN WHICH THE PROPERTY IS
7 LOCATED;

8 [(3)] (4) in a county without a police department, to the sheriff or
9 designee of the sheriff;

10 [(4)] (5) in Baltimore City, to the Police Commissioner or the Police
11 Commissioner's designee; and

12 [(5)] (6) on property owned, leased, or operated by or under the control
13 of the Maryland Transportation Authority, the Maryland Aviation Administration, or
14 the Maryland Port Administration, to the chief of police of the Maryland
15 Transportation Authority or the chief's designee.

16 (c) When acting under the authority granted in this section, a law
17 enforcement officer:

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

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

22 **Article - Criminal Procedure**

23 12-102.

24 (a) The following are subject to forfeiture:

25 (1) controlled dangerous substances manufactured, distributed,
26 dispensed, acquired, or possessed in violation of the Controlled Dangerous Substances
27 law;

28 (2) raw materials, products, and equipment used, or intended for use, in
29 manufacturing, compounding, processing, delivering, importing, or exporting a
30 controlled dangerous substance in violation of the Controlled Dangerous Substances
31 law;

32 (3) property used or intended for use as a container for property
33 described in item (1) or (2) of this subsection;

34 (4) except as provided in § 12-103 of this subtitle, conveyances, including
35 aircraft, vehicles, or vessels used or intended to be used to transport, or facilitate the

1 transportation, sale, receipt, possession, or concealment of property described in item
2 (1) or (2) of this subsection;

3 (5) books, records, and research, including formulas, microfilm, tapes,
4 and data used or intended for use in violation of the Controlled Dangerous Substances
5 law;

6 (6) subject to subsection (b) of this section, money or weapons used or
7 intended to be used in connection with the unlawful manufacture, distribution,
8 dispensing, or possession of a controlled dangerous substance or controlled
9 paraphernalia;

10 (7) drug paraphernalia under § 5-619 of the Criminal Law Article;

11 (8) controlled paraphernalia under § 5-620 of the Criminal Law Article;

12 (9) except as provided in § 12-103 of this subtitle, the remaining balance
13 of the proceeds of a sale by a holder of an installment sale agreement under § 12-626
14 of the Commercial Law Article of goods seized under this subtitle;

15 (10) except as provided in § 12-103 of this subtitle, real property; and

16 (11) everything of value furnished, or intended to be furnished, in
17 exchange for a controlled dangerous substance in violation of the Controlled
18 Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable
19 instruments and securities used, or intended to be used, to facilitate any violation of
20 the Controlled Dangerous Substances law.

21 (b) (1) (i) Money or weapons that are found in close proximity to a
22 contraband controlled dangerous substance, controlled paraphernalia, or forfeitable
23 records of the importation, manufacture, or distribution of controlled dangerous
24 substances are contraband and presumed to be forfeitable.

25 (ii) A claimant of money or weapons has the burden to rebut the
26 presumption.

27 (2) All rights in, title to, and interest in the money or weapons
28 immediately shall vest in:

29 (i) the State, if the seizing authority was a State unit;

30 (ii) the county in which the money or weapons were seized, if the
31 seizing authority was a county law enforcement unit, including a sheriff's office; or

32 (iii) the municipal corporation in which the money or weapons were
33 seized, if the seizing authority was a law enforcement unit of a municipal corporation.

34 (3) The money or weapons may be returned to the claimant only as this
35 title provides.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.