

# HOUSE BILL 363

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CF 2lr1513

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By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Clippinger, Hammen, Harrison, Haynes, McHale, McIntosh, Mitchell, Oaks, B. Robinson, Rosenberg, Stukes, Tarrant, and Washington**

Introduced and read first time: January 30, 2012

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Police Department – Appointments**

3 FOR the purpose of altering the rank above which the Police Commissioner of  
4 Baltimore City may make an appointment without an examination under  
5 certain circumstances; and generally relating to appointments in the Police  
6 Department of Baltimore City.

7 BY repealing and reenacting, with amendments,  
8 The Public Local Laws of Baltimore City  
9 Section 16–7(3) and 16–10(d)  
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  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 4 – Baltimore City**

15 16–7.

16 In directing and supervising the operations and affairs of the Department, the  
17 Commissioner shall, subject to the provisions of this subtitle, and subject to the  
18 provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter  
19 of Baltimore City (1964 Revision) as amended from time to time, be vested with all the  
20 powers, rights and privileges attending the responsibility of management, and may  
21 exercise the same, where appropriate, by rule, regulation, order or other departmental  
22 directive which shall be binding on all members of the Department when duly  
23 promulgated. In the event of a conflict between the provisions of Article VI and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this  
2 subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The  
3 authority herein vested in the Police Commissioner shall specifically include, but not  
4 be limited to, the following:

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

11 16–10.

12 (d) Notwithstanding any provisions of this section, or of this subtitle, the  
13 Commissioner may make any appointment to the Department above the rank of  
14 **[Captain] LIEUTENANT**, without examination, except that no such position shall be  
15 filled by a police officer within the Department of a rank less than Lieutenant, and  
16 where any such appointment is made the police officer so appointed shall, upon the  
17 termination of his service in such position, be returned to the rank from which he was  
18 elevated, or to such higher rank as he became eligible to serve in during his  
19 appointment.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2012.