

# HOUSE BILL 363

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CF SB 409

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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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Committee Report: Favorable

House action: Adopted

Read second time: February 28, 2012

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## CHAPTER \_\_\_\_\_

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

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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 provisions of Article VI and Sections 4–14 both inclusive, of Article VII of the Charter  
 2 of Baltimore City (1964 Revision) as amended from time to time, be vested with all the  
 3 powers, rights and privileges attending the responsibility of management, and may  
 4 exercise the same, where appropriate, by rule, regulation, order or other departmental  
 5 directive which shall be binding on all members of the Department when duly  
 6 promulgated. In the event of a conflict between the provisions of Article VI and  
 7 Sections 4–14, both inclusive, of Article VII of the Charter, and the provisions of this  
 8 subtitle, the provisions of Article VI and Sections 4–14 of Article VII shall control. The  
 9 authority herein vested in the Police Commissioner shall specifically include, but not  
 10 be limited to, the following:

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

17 16–10.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.