

SENATE BILL 1078

E4

EMERGENCY BILL

0lr2895

By: **The Minority Leader and Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Ready, Reilly, Salling, Serafini, Simonaire, and West**

Introduced and read first time: February 28, 2020

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Emergency Powers of the Governor – Violent Crime Crisis**

3 FOR the purpose of authorizing the Governor to appoint special prosecutors and direct
4 certain resources and personnel for certain purposes during a certain state of
5 emergency in a certain county, city, town, or municipality; altering a certain
6 definition; making this Act an emergency measure; and generally relating to
7 emergency powers of the Governor.

8 BY repealing and reenacting, without amendments,
9 Article – Public Safety
10 Section 14–101(a)
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 14–101(c) and 14–107(d)
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

18 Preamble

19 WHEREAS, The 2019 murder rate in Baltimore City of 348 people is its highest per
20 capita rate to date; and

21 WHEREAS, The murder rate in the early months of 2020 is already well on pace to
22 surpass the record–breaking 2019 rate; and

23 WHEREAS, Baltimore City has arrested and charged suspects in only 32% – less

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



than one-third – of the murders in the City; and

WHEREAS, It is clear that Baltimore City, with its current personnel, is unable to halt the wave of violence, protect its citizens, investigate acts of criminal violence, arrest and bring arrested violent defendants to trial, or provide justice to its inhabitants; and

WHEREAS, The state of violence and murderous crimes in Baltimore City constitutes a State of Emergency; now, therefore,

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

Article – Public Safety

14–101.

(a) In this subtitle the following words have the meanings indicated.

(c) “Emergency” means the threat or occurrence of:

(1) a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, and any other disaster in any part of the State that requires State assistance to supplement local efforts in order to save lives and protect public health and safety; [or]

(2) an enemy attack, act of terrorism, or public health catastrophe; OR

(3) A HOMICIDE RATE OF AT LEAST 3 HOMICIDES PER 100,000 RESIDENTS OF A COUNTY, CITY, TOWN, OR MUNICIPALITY IN A 30-DAY PERIOD.

14–107.

(d) (1) After declaring a state of emergency, the Governor, if the Governor finds it necessary in order to protect the public health, welfare, or safety, may:

(i) suspend the effect of any statute or rule or regulation of an agency of the State or a political subdivision;

(ii) direct and compel the evacuation of all or part of the population from a stricken or threatened area in the State;

(iii) set evacuation routes and the modes of transportation to be used during an emergency;

(iv) direct the control of ingress to and egress from an emergency area, the movement of individuals in the area, and the occupancy of premises in the area;

(v) authorize the use of private property, in which event the owner of the property shall be compensated for its use and for any damage to the property;

(vi) provide for temporary housing; [and]

(vii) authorize the clearance and removal of debris and wreckage;

AND

(VIII) IN THE CASE OF AN EMERGENCY AS DEFINED IN § 14-101(C)(3) OF THIS SUBTITLE:

1. APPOINT SPECIAL PROSECUTORS TO PROSECUTE CRIMINAL CASES IN THE DISTRICT COURT OR CIRCUIT COURT HAVING VENUE AND JURISDICTION OVER CRIMINAL CASES IN THE COUNTY, CITY, TOWN, OR MUNICIPALITY WHERE THE EMERGENCY OCCURS; AND

2. DIRECT RESOURCES AND PERSONNEL FROM ANY UNIT OF STATE GOVERNMENT, INCLUDING A STATE POLICE FORCE, LAW ENFORCEMENT ORGANIZATION, OR FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY, AS DEFINED IN § 7-101 OF THIS ARTICLE, FOR DEPLOYMENT IN THE COUNTY, CITY, TOWN, OR MUNICIPALITY WHERE THE EMERGENCY OCCURS.

(2) The powers of the Governor under this subsection are in addition to any other authority vested in the Governor by law.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.