

3-314. IMMUNITY OF STATE, SUBDIVISION, OR MUNICIPAL CORPORATION.

THE STATE AND ANY SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § 5-613 OF THE COURTS ARTICLE UNLESS THE SUBDIVISION OR MUNICIPAL CORPORATION REQUESTS THE APPOINTMENT OF AN INDIVIDUAL AS A SPECIAL POLICE OFFICER AND THE REQUEST IS GRANTED AS PROVIDED IN THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-912.

The references to a "municipal corporation" are substituted for the former references to a "municipality" to conform to Md. Constitution, Art. XI-E.

Defined term: "Special police officer" § 3-301

3-315. PROHIBITED ACTS; PENALTY.

(A) ACTING AS SPECIAL POLICE OFFICER WITHOUT COMMISSION PROHIBITED.

AN INDIVIDUAL MAY NOT EXERCISE OR ATTEMPT TO EXERCISE ANY OF THE POWERS OF A SPECIAL POLICE OFFICER GRANTED UNDER THIS SUBTITLE WITHOUT A COMMISSION.

(B) ACTING AS SPECIAL POLICE OFFICER WITH KNOWLEDGE OF SUSPENSION OR TERMINATION PROHIBITED.

(1) AN INDIVIDUAL MAY NOT EXERCISE OR ATTEMPT TO EXERCISE ANY OF THE POWERS OF A SPECIAL POLICE OFFICER GRANTED UNDER THIS SUBTITLE IF THE INDIVIDUAL KNOWS OF THE SUSPENSION OR TERMINATION OF THE INDIVIDUAL'S COMMISSION OR IF THE INDIVIDUAL HAS IN ANY MANNER RECEIVED NOTICE OF THE SUSPENSION OR TERMINATION OF THE INDIVIDUAL'S COMMISSION.

(2) AN INDIVIDUAL IS PRESUMED TO KNOW OF A SUSPENSION OR TERMINATION IF NOTICE OF THE SUSPENSION OR TERMINATION IS FILED AND MAILED IN ACCORDANCE WITH § 3-313 OF THIS SUBTITLE.

(C) EMPLOYING INDIVIDUAL AS SPECIAL POLICE OFFICER WITHOUT COMMISSION PROHIBITED.

AN EMPLOYER MAY NOT KNOWINGLY:

(1) HIRE AN INDIVIDUAL TO PERFORM THE DUTIES OF A SPECIAL POLICE OFFICER UNLESS THE INDIVIDUAL HOLDS A COMMISSION; OR

(2) CONTINUE TO EMPLOY AN INDIVIDUAL TO PERFORM THE DUTIES OF A SPECIAL POLICE OFFICER:

(I) UNLESS THE INDIVIDUAL HOLDS A COMMISSION; OR

(II) IF THE INDIVIDUAL'S COMMISSION IS SUSPENDED OR TERMINATED.