

SENATE BILL 686

E4

(4lr1879)

ENROLLED BILL

— Judicial Proceedings/Appropriations —

Introduced by **Senator Zirkin**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – ~~Prosecutorial~~ Disclosures –**
3 **Punitive Action**

4 FOR the purpose of ~~prohibiting punitive action from being taken against a law~~
5 ~~enforcement officer based solely on the fact that a prosecutorial agency~~
6 ~~determined that it must disclose information about the law enforcement officer~~
7 ~~to the defense under certain circumstances; specifying that this Act does not~~
8 ~~limit a law enforcement agency from taking punitive action against a law~~
9 ~~enforcement officer based on the underlying acts or omissions for which~~
10 ~~information about the law enforcement officer was disclosed; providing for the~~
11 ~~construction of this Act; authorizing a certain law enforcement agency to~~
12 maintain a list of certain law enforcement officers solely for the purpose of
13 satisfying a certain disclosure requirement relating to impeachment or
14 exculpatory evidence; prohibiting a certain law enforcement agency from taking
15 certain punitive action against a law enforcement officer whose name is on the

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.

Italics indicate opposite chamber/conference committee amendments.



1 list under certain circumstances; requiring a certain law enforcement agency to
 2 provide a certain notice to a certain law enforcement officer under certain
 3 circumstances; providing that a law enforcement officer maintains all rights of
 4 appeal under certain circumstances; and generally relating to prosecutorial
 5 disclosures and the Law Enforcement Officers' Bill of Rights.

6 BY adding to

7 Article – Public Safety

8 Section 3–106.1

9 Annotated Code of Maryland

10 (2011 Replacement Volume and 2013 Supplement)

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

13 **Article – Public Safety**

14 **3–106.1.**

15 ~~(A) BASED SOLELY ON THE FACT THAT A PROSECUTORIAL AGENCY HAS~~
 16 ~~DETERMINED THAT IT SHALL DISCLOSE INFORMATION ABOUT A LAW~~
 17 ~~ENFORCEMENT OFFICER TO THE DEFENSE IN ACCORDANCE WITH MARYLAND~~
 18 ~~RULES 4-262(D) OR 4-263(D), THE LAW ENFORCEMENT OFFICER MAY NOT:~~

19 ~~(1) BE DEMOTED;~~

20 ~~(2) BE DISMISSED;~~

21 ~~(3) BE TRANSFERRED;~~

22 ~~(4) LOSE PAY;~~

23 ~~(5) BE REASSIGNED; OR~~

24 ~~(6) FACE ANY OTHER SIMILAR ACTION THAT IS CONSIDERED~~
 25 ~~PUNITIVE.~~

26 ~~(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE~~
 27 ~~ABILITY OF A LAW ENFORCEMENT AGENCY TO TAKE PUNITIVE ACTION AGAINST~~
 28 ~~A LAW ENFORCEMENT OFFICER BASED ON THE UNDERLYING ACTS OR~~
 29 ~~OMISSIONS FOR WHICH INFORMATION ABOUT THE LAW ENFORCEMENT OFFICER~~
 30 ~~WAS DISCLOSED TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES~~
 31 ~~4-262(D) OR 4-263(D).~~

1 **(A) A LAW ENFORCEMENT AGENCY REQUIRED BY LAW TO DISCLOSE**
2 **INFORMATION FOR USE AS IMPEACHMENT OR EXCULPATORY EVIDENCE IN A**
3 **CRIMINAL CASE, SOLELY FOR THE PURPOSE OF SATISFYING THE DISCLOSURE**
4 **REQUIREMENT, MAY MAINTAIN A LIST OF LAW ENFORCEMENT OFFICERS WHO**
5 **HAVE BEEN FOUND OR ALLEGED TO HAVE COMMITTED ACTS WHICH BEAR ON**
6 **CREDIBILITY, INTEGRITY, HONESTY, OR OTHER CHARACTERISTICS THAT WOULD**
7 **CONSTITUTE EXCULPATORY OR IMPEACHMENT EVIDENCE.**

8 **(B) A LAW ENFORCEMENT AGENCY MAY NOT, BASED SOLELY ON THE**
9 **FACT THAT A LAW ENFORCEMENT OFFICER IS INCLUDED ON THE LIST**
10 **MAINTAINED UNDER SUBSECTION (A) OF THIS SECTION, TAKE PUNITIVE ACTION**
11 **AGAINST THE LAW ENFORCEMENT OFFICER, INCLUDING:**

12 **(1) DEMOTION;**

13 **(2) DISMISSAL;**

14 **(3) SUSPENSION WITHOUT PAY; OR**

15 **(4) REDUCTION IN PAY.**

16 **(C) A LAW ENFORCEMENT AGENCY THAT MAINTAINS A LIST OF LAW**
17 **ENFORCEMENT OFFICERS UNDER SUBSECTION (A) OF THIS SECTION SHALL**
18 **PROVIDE TIMELY NOTICE TO EACH LAW ENFORCEMENT OFFICER WHOSE NAME**
19 **HAS BEEN PLACED ON THE LIST.**

20 **(D) A LAW ENFORCEMENT OFFICER MAINTAINS ALL RIGHTS OF APPEAL**
21 **PROVIDED IN THIS SUBTITLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.