

SENATE BILL 686

E4

4r1879
CF HB 598

By: **Senator Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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
16 list under certain circumstances; requiring a certain law enforcement agency to
17 provide a certain notice to a certain law enforcement officer under certain
18 circumstances; providing that a law enforcement officer maintains all rights of
19 appeal under certain circumstances; and generally relating to prosecutorial
20 disclosures and the Law Enforcement Officers' Bill of Rights.

21 BY adding to

22 Article – Public Safety

23 Section 3–106.1

24 Annotated Code of Maryland

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.



(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

3-106.1.

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

~~(1) BE DEMOTED;~~

~~(2) BE DISMISSED;~~

~~(3) BE TRANSFERRED;~~

~~(4) LOSE PAY;~~

~~(5) BE REASSIGNED; OR~~

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

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

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

(B) A LAW ENFORCEMENT AGENCY MAY NOT, BASED SOLELY ON THE FACT THAT A LAW ENFORCEMENT OFFICER IS INCLUDED ON THE LIST

1 MAINTAINED UNDER SUBSECTION (A) OF THIS SECTION, TAKE PUNITIVE ACTION
2 AGAINST THE LAW ENFORCEMENT OFFICER, INCLUDING:

3 (1) DEMOTION;

4 (2) DISMISSAL;

5 (3) SUSPENSION WITHOUT PAY; OR

6 (4) REDUCTION IN PAY.

7 (C) A LAW ENFORCEMENT AGENCY THAT MAINTAINS A LIST OF LAW
8 ENFORCEMENT OFFICERS UNDER SUBSECTION (A) OF THIS SECTION SHALL
9 PROVIDE TIMELY NOTICE TO EACH LAW ENFORCEMENT OFFICER WHOSE NAME
10 HAS BEEN PLACED ON THE LIST.

11 (D) A LAW ENFORCEMENT OFFICER MAINTAINS ALL RIGHTS OF APPEAL
12 PROVIDED IN THIS SUBTITLE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.