

Chapter 234

(House Bill 598)

AN ACT concerning

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

FOR the purpose of ~~prohibiting punitive action from being taken against a law enforcement officer based solely on the fact that a prosecutorial agency determined that it must disclose information about the law enforcement officer to the defense under certain circumstances; specifying that this Act does not limit a law enforcement agency from taking punitive action against a law enforcement officer based on the underlying acts or omissions for which information about the law enforcement officer was disclosed; providing for the construction of this Act;~~ authorizing a certain law enforcement agency to maintain a list of certain law enforcement officers solely for the purpose of satisfying a certain disclosure requirement relating to impeachment or exculpatory evidence; prohibiting a certain law enforcement agency from taking certain punitive action against a law enforcement officer whose name is on the list under certain circumstances; requiring a certain law enforcement agency to provide a certain notice to a certain law enforcement officer under certain circumstances; providing that a law enforcement officer maintains all rights of appeal under certain circumstances; and generally relating to ~~prosecutorial~~ disclosures and the Law Enforcement Officers' Bill of Rights.

BY adding to

Article – Public Safety

Section 3–106.1

Annotated Code of Maryland

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

- (1) DEMOTION;
- (2) DISMISSAL;
- (3) SUSPENSION WITHOUT PAY; OR
- (4) REDUCTION IN PAY.

(C) A LAW ENFORCEMENT AGENCY THAT MAINTAINS A LIST OF LAW ENFORCEMENT OFFICERS UNDER SUBSECTION (A) OF THIS SECTION SHALL

PROVIDE TIMELY NOTICE TO EACH LAW ENFORCEMENT OFFICER WHOSE NAME HAS BEEN PLACED ON THE LIST.

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

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

Approved by the Governor, April 14, 2014.