

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 1188
Judiciary

(Delegate Carter)

Law Enforcement Officers - Alcohol and Drug Testing - Required

This bill requires a law enforcement agency to order a law enforcement officer to submit to a blood alcohol test and blood, breath, or urine tests for controlled dangerous substances if the officer was involved in an incident in which the officer discharged a firearm, discharged an electronic control device, or caused a motor vehicle accident.

Fiscal Summary

State Effect: While most State agencies with law enforcement units can implement the bill with existing resources, some agencies, such as the Department of Natural Resources (DNR), may incur an increase in general fund expenditures to conduct additional alcohol and drug testing. Revenues are not affected.

Local Effect: While most local law enforcement agencies can implement the bill with existing resources, some may incur an increase in costs to conduct additional alcohol and drug testing. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: A law enforcement agency may order a law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation. The results of a test, examination, or

interrogation ordered by a law enforcement agency are not admissible or discoverable in a criminal proceeding against the law enforcement officer.

If a law enforcement agency orders a law enforcement officer to submit to a test, examination, or interrogation and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

Background: The Law Enforcement Officers' Bill of Rights was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 23 specified State and local agencies.

State Expenditures: Based on information provided by several State agencies with law enforcement units, most State agencies can handle the bill's requirements with existing budgeted resources. The Department of State Police, for instance, advises that it already has a drug testing policy in place. Some agencies, however, may incur additional costs to conduct additional alcohol and drug testing. For example, DNR advises that general fund expenditures for contractual services increase by \$40 for each additional test it must conduct on its officers as a result of the bill.

Local Expenditures: Based on a limited survey of local jurisdictions, most local law enforcement agencies can implement the bill with existing resources. Some, however, incur additional costs to conduct additional testing. Montgomery County, for instance, expects an increase in expenditures of \$5,000 to \$10,000 per year to conduct additional testing.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Town of Bel Air, City of Salisbury, Montgomery County, Department of Natural Resources, Department of General Services, Department of State Police, Department of Public Safety and Correctional Services, Maryland Department of Transportation, University System of Maryland, Comptroller's Office; Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2014
ncs/lgc

Analysis by: Matthew B. Jackson

Direct Inquiries to:
(410) 946-5510
(301) 970-5510