

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 947

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Sydnor” and substitute “Delegates Sydnor and Conaway”; in line 6, strike “incidents” and substitute “individuals”; in the same line, after the semicolon insert “requiring certain notification of certain individuals under certain circumstances; requiring the Attorney General to adopt certain regulations in consultation with certain groups;”; and in line 11, after “individuals;” insert “providing for the construction of this Act;”.

AMENDMENT NO. 2

On page 5, in line 1, after “(A)” insert “(1)”; in lines 4, 6, 8, and 11, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “(I)”, “(II)”, “(III)”, and “(IV)”, respectively; in lines 4, 6, and 8, in each instance, strike “INVOLVES” and substitute “DEPICTS A VICTIM OR INFORMATION THAT COULD IDENTIFY A VICTIM OF”; in line 8, strike “3-603” and substitute “3-607”; in line 12, strike “(I)” and substitute “1.”; in the same line, after “ARREST,” insert “ATTEMPTED ARREST,”; in the same line, after “DETENTION,” insert “ATTEMPTED TEMPORARY DETENTION, SEARCH, ATTEMPTED SEARCH, CITATION,”; in line 13, strike “OR”; in line 14, strike “(II)” and substitute:

“2. THE USE OF FORCE AGAINST AN INDIVIDUAL; OR

3.”;

in the same line, after “COMPLAINT” insert “OR ALLEGATION”; after line 15, insert:

(Over)

“(2) A CUSTODIAN SHALL DENY INSPECTION OF RECORDS AS REQUIRED BY THIS SUBSECTION REGARDLESS OF A SUBSEQUENT ACTION TAKEN BY LAW ENFORCEMENT OR A COURT RESULTING FROM THE INCIDENT RECORDED.

(3) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT THE DISCOVERY OR EVIDENTIARY RIGHTS OF A PARTY TO A CIVIL SUIT OR CRIMINAL PROSECUTION.

(4) (I) A VICTIM WHO IS THE SUBJECT OF A RECORD THAT IS DENIED INSPECTION UNDER THIS SECTION SHALL BE NOTIFIED OF ALL REQUESTS TO INSPECT THE RECORD.

(II) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE MARYLAND ASSOCIATION OF COUNTIES, THE MARYLAND MUNICIPAL LEAGUE, LAW ENFORCEMENT AGENCIES, THE PRESS, AND OTHER STAKEHOLDERS, SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS PARAGRAPH.”;

in line 22, strike the second “OR”; and in line 23, after “(III)” insert “IF THE INDIVIDUAL DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IS DECEASED OR UNABLE TO REQUEST THE RECORDING DUE TO INJURY, THE INDIVIDUAL’S PARENT, LEGAL GUARDIAN, SPOUSE, ADULT CHILD, NEXT OF KIN, OR A REPRESENTATIVE OF THE INDIVIDUAL’S ESTATE; OR

(IV)”.

On page 6, in line 1, strike “OR”; in the same line, after “WITH,” insert “RECEIVED PROBATION BEFORE JUDGMENT FOR, IS SUBJECT TO A PEACE OR PROTECTIVE ORDER AS A RESULT OF,”; and in line 3, after “SECTION” insert “, IF

THE RECORDING IS OF THE INCIDENT LEADING TO THE INVESTIGATION,
PROBATION BEFORE JUDGMENT, ORDER, CHARGE, PLEA, OR VERDICT.

(C) A CUSTODIAN SHALL ALLOW INSPECTION OF RECORDS FROM A
BODY-WORN DIGITAL RECORDING DEVICE NOT OTHERWISE PROHIBITED UNDER
THIS TITLE”.