

HOUSE BILL 166

E2

(7lr1739)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Dumais**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Charges Against Correctional Officer – Review by State’s**
3 **Attorney**

4 FOR the purpose of altering a certain definition to make certain provisions of law requiring
5 State’s Attorney review of an application for a statement of charges against a law
6 enforcement officer applicable to an application for a statement of charges against a
7 ~~correctional officer~~ *certain other law enforcement officers*; and generally relating to
8 charging documents against law enforcement officers.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 2–608
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2016 Supplement)

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

3 **Article – Courts and Judicial Proceedings**

4 2–608.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Charging document” means a written accusation alleging that a
7 defendant has committed an offense.

8 (3) “Citation” means a charging document, other than an indictment, an
9 information, or a statement of charges, issued to a defendant by a peace officer or other
10 person authorized by law to do so.

11 (4) “Educator” means a principal, vice–principal, teacher, or teacher’s aide
12 at a public or private preschool, elementary, or secondary school.

13 (5) “Emergency services personnel” means:

14 (i) A career firefighter of a county or municipal corporation;

15 (ii) An emergency medical services provider as defined in § 13–516
16 of the Education Article of a county or municipal corporation;

17 (iii) A rescue squad employee of a county or municipal corporation;
18 and

19 (iv) A volunteer firefighter, rescue squad member, or advanced life
20 support unit member of a county or municipal corporation.

21 (6) “Indictment” means a charging document returned by a grand jury and
22 filed in circuit court.

23 (7) “Information” means a charging document filed in court by a State’s
24 Attorney.

25 (8) “Offense” means a violation of the criminal laws of the State or any
26 political subdivision of the State.

27 (9) “Statement of charges” means a charging document, other than a
28 citation, filed in District Court by a peace officer, a District Court Judge, or a District Court
29 Commissioner.

30 (10) “Law enforcement officer” means ~~an~~:

1 (I) A law enforcement officer as defined in § 3–101 of the Public
2 Safety Article, ~~A~~;

3 (II) THE POLICE COMMISSIONER OF BALTIMORE CITY;

4 (III) AN INDIVIDUAL WHO SERVES AT THE PLEASURE OF THE
5 POLICE COMMISSIONER OF BALTIMORE CITY;

6 (IV) THE POLICE CHIEF OF A COUNTY LAW ENFORCEMENT
7 AGENCY;

8 (V) THE POLICE CHIEF OF A MUNICIPAL CORPORATION;

9 (VI) THE POLICE CHIEF OR SUPERINTENDENT OF A STATE LAW
10 ENFORCEMENT AGENCY;

11 (VII) THE SHERIFF OF A COUNTY;

12 (VIII) AN OFFICER WHO IS ON PROBATIONARY STATUS ON INITIAL
13 ENTRY INTO A LAW ENFORCEMENT AGENCY;

14 (IX) A CORRECTIONAL OFFICER AS DEFINED IN §
15 8–201 OF THE CORRECTIONAL SERVICES ARTICLE, ~~or any~~; OR

16 (X) ANY federal law enforcement officer who exercises the powers
17 set forth in § 2–104 of the Criminal Procedure Article.

18 (b) An application filed in the District Court that requests that a statement of
19 charges be filed against a law enforcement officer, emergency services personnel, or an
20 educator for an offense allegedly committed in the course of executing the duties of the law
21 enforcement officer, emergency services personnel, or educator shall immediately be
22 forwarded to the State's Attorney.

23 (c) (1) Upon receiving an application filed in District Court requesting that a
24 statement of charges be filed against a law enforcement officer, emergency services
25 personnel, or an educator, the State's Attorney shall:

26 (i) Investigate the circumstances of the matter; and

27 (ii) Make a recommendation to the District Court Commissioner as
28 to whether a statement of charges should be filed against the law enforcement officer,
29 emergency services personnel, or the educator.

30 (2) If the State's Attorney recommends to a District Court Commissioner
31 that a statement of charges be filed against a law enforcement officer, emergency services

1 personnel, or an educator, the State's Attorney shall also make a recommendation as to
2 whether a summons or warrant should issue.

3 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
4 statement of charges for an offense allegedly committed in the course of executing the
5 duties of the law enforcement officer, emergency services personnel, or the educator may
6 not be filed against a law enforcement officer, emergency services personnel, or educator
7 until the State's Attorney has investigated the circumstances of the matter and made
8 recommendations to the District Court Commissioner in accordance with subsection (c) of
9 this section.

10 (e) This section may not be construed to preclude the State's Attorney from
11 making a determination that an information should be filed against a law enforcement
12 officer, emergency services personnel, or an educator or that a grand jury should be
13 convened to determine whether an indictment should be filed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.