

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 24

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - State Police)

Judicial Proceedings

Judiciary

**Public Safety - Eyewitness Identification Policies - Repeal of Submission
Requirement**

This departmental bill repeals the requirement for each law enforcement agency in the State to file a copy of a written policy relating to eyewitness identification procedures with the Department of State Police (DSP). The bill also repeals the requirement for DSP to compile the written policies and allow public inspection of each policy.

Fiscal Summary

State Effect: Although the bill likely results in some efficiencies, the bill is procedural in nature and does not materially affect State operations or finances.

Local Effect: Although the bill likely results in some efficiencies, the bill is procedural in nature and does not materially affect local government operations or finances.

Small Business Effect: DSP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law/Background: Chapter 590 of 2007 required each law enforcement agency in the State to adopt a written policy relating to eyewitness identification by December 1, 2007. The policies must comply with the U.S. Department of Justice standards on obtaining accurate eyewitness identification. Law enforcement agencies were required to file copies of those policies with DSP by January 1, 2008. DSP was then

required to compile the policy of each law enforcement agency by February 1, 2008, and allow public inspection of each policy compiled. Chapters 201 and 202 of 2014 added the requirement that, by January 1, 2016, each law enforcement agency in the State (1) adopt the Police Training Commission's Eyewitness Identification Model Policy or adopt and implement a written policy relating to identification procedures that complies with specified requirements and (2) file a copy of the written policy with DSP.

Chapter 519 of 2016 requires each law enforcement agency to post all official policies of the agency on the website of the Maryland Police Training and Standards Commission (MPTSC), and, if the agency maintains a website, on the agency's own website. A chief may prohibit the posting of administrative or operational policies that, if disclosed, would jeopardize operations or create a risk to public or officer safety, including policies related to high-risk prisoner transport security measures, operational response to active shooters, or use of confidential informants.

As a result of Chapter 519, law enforcement agencies are now required to submit eyewitness identification procedures to both MPTSC and DSP. DSP advises that the current process requiring submission to DSP is duplicative and unnecessary. This bill is intended to enhance efficiency by eliminating the duplicative requirement. All official policies, including eyewitness identification policies, will still be made available for public inspection in accordance with Chapter 519.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles and Montgomery counties; cities of Frederick and Havre de Grace; University System of Maryland; Department of General Services; Department of Natural Resources; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 16, 2017
md/lgc Third Reader - February 3, 2017

Analysis by: Shirleen M. E. Pilgrim

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

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Eyewitness Identification Policies – Submission Repeal

BILL NUMBER: SB 24

PREPARED BY: Thomas Williams, Department of State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This legislation will not impact small business. The bill directly impacts a process performed by local police agencies.