

HOUSE BILL 1649

E4

8lr3487

By: **Delegate A. Washington**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Police Misconduct and Civil Rights Actions – Settlement**
3 **Database**

4 FOR the purpose of requiring, on or before a certain date each year, a certain law
5 enforcement agency to provide the Governor’s Office of Crime Control and
6 Prevention with the total dollar amount for the previous calendar year that was paid
7 to settle claims and pay judgments for certain police misconduct and civil rights
8 actions; requiring the Governor’s Office of Crime Control and Prevention to adopt
9 certain procedures; requiring the Governor’s Office of Crime Control and Prevention
10 to analyze and disseminate certain information; requiring the Governor’s Office of
11 Crime Control and Prevention to make a certain annual report; defining certain
12 terms; and generally relating to police misconduct and civil rights actions.

13 BY adding to

14 Article – Public Safety

15 Section 3–520

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2017 Supplement)

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

20 **Article – Public Safety**

21 **3–520.**

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-101 OF THIS ARTICLE.**

2 **(3) (I) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED**
3 **IN § 3-101 OF THIS TITLE.**

4 **(II) "LAW ENFORCEMENT OFFICER" INCLUDES A PRIVATE**
5 **SECURITY OFFICER PERFORMING DUTIES AS PART OF A CONTRACT WITH A LAW**
6 **ENFORCEMENT AGENCY.**

7 **(4) "POLICE MISCONDUCT AND CIVIL RIGHTS ACTIONS" INCLUDES**
8 **CIVIL LAWSUITS OR COMPLAINTS FILED AGAINST A LAW ENFORCEMENT AGENCY OR**
9 **LAW ENFORCEMENT OFFICER IN WHICH A PLAINTIFF OR COMPLAINANT HAS**
10 **ALLEGED AN INSTANCE OF:**

11 **(I) EXCESSIVE FORCE OR POLICE BRUTALITY;**

12 **(II) DISCRIMINATION;**

13 **(III) FAILURE TO INTERVENE;**

14 **(IV) FALSE IMPRISONMENT;**

15 **(V) HARASSMENT, INCLUDING SEXUAL HARASSMENT;**

16 **(VI) MALICIOUS PROSECUTION;**

17 **(VII) OFFICER-INVOLVED SHOOTING;**

18 **(VIII) POLICE CORRUPTION;**

19 **(IX) RACIAL PROFILING;**

20 **(X) UNLAWFUL OR FALSE ARREST;**

21 **(XI) UNLAWFUL SEARCH AND SEIZURE;**

22 **(XII) VIOLATION OF DEPARTMENT POLICY; OR**

23 **(XIII) WRONGFUL CONVICTION.**

24 **(B) ON OR BEFORE MARCH 1 EACH YEAR, EACH LOCAL LAW ENFORCEMENT**
25 **AGENCY SHALL PROVIDE THE GOVERNOR'S OFFICE OF CRIME CONTROL AND**
26 **PREVENTION WITH THE TOTAL DOLLAR AMOUNT FOR THE PREVIOUS CALENDAR**

1 YEAR PAID TO PLAINTIFFS AND COMPLAINANTS TO SETTLE CLAIMS AND PAY
2 JUDGMENTS FOR POLICE MISCONDUCT AND CIVIL RIGHTS ACTIONS.

3 (C) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
4 SHALL ADOPT PROCEDURES FOR THE COLLECTION AND ANALYSIS OF THE
5 INFORMATION DESCRIBED IN SUBSECTION (B) OF THIS SECTION.

6 (D) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
7 SHALL ANALYZE AND DISSEMINATE THE INFORMATION PROVIDED UNDER
8 SUBSECTION (B) OF THIS SECTION.

9 (E) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION
10 SHALL MAKE AN ANNUAL REPORT OF THE INFORMATION AND ANALYSIS DESCRIBED
11 IN SUBSECTIONS (B) AND (D) OF THIS SECTION TO THE GENERAL ASSEMBLY, IN
12 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE
13 JUNE 30 EACH YEAR.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2018.