

HOUSE BILL 194

E4, D1, D2

11r0414

(PRE-FILED)

By: **Delegate Wells**

Requested: July 9, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Police Officers and Public Defenders – Implicit Bias –**
3 **Testing, Training, and Evaluation**

4 FOR the purpose of requiring that certain public defenders receive certain tests, training,
5 and evaluation for implicit bias; requiring the Public Defender to ensure that certain
6 data on implicit bias is made available to the public; requiring the Maryland Police
7 Training and Standards Commission to ensure that the curriculum for certain police
8 training include certain tests, training, and evaluation for implicit bias; requiring
9 the Commission to develop a policy requiring law enforcement agencies to make
10 certain data on implicit bias available to the public; and generally relating to implicit
11 bias testing, training, and evaluation for public defenders and police officers.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 16–207(b)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 3–207(a)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

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

24 **Article – Criminal Procedure**

25 16–207.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Public Defender shall:

2 (1) be responsible generally for the operation of the Office and all district
3 offices;

4 (2) prepare schedules of professional fees and expenses for panel attorneys
5 and other professional and technical services rendered to indigent individuals other than
6 by the Public Defender's staff, taking into consideration the nature of the services, the time
7 spent, the skill or experience required, and any other pertinent factor;

8 (3) consult and cooperate with professional groups about the causes of
9 criminal conduct and the development of effective means to:

10 (i) reduce and discourage the commission of crime;

11 (ii) rehabilitate and correct individuals charged and convicted of
12 crime;

13 (iii) administer criminal justice; and

14 (iv) administer and conduct the Office; [and]

15 (4) maintain financial and statistical records about each case in which the
16 Office provides legal assistance to an indigent individual, including data to calculate all
17 direct and indirect costs to the Office;

18 **(5) REQUIRE THAT EVERY DEPUTY PUBLIC DEFENDER, DISTRICT
19 PUBLIC DEFENDER, AND ASSISTANT PUBLIC DEFENDER:**

20 **(I) UNDERGO, BEFORE BEGINNING SERVICE, A TEST FOR
21 IMPLICIT BIAS;**

22 **(II) RECEIVE TRAINING TO ADDRESS IMPLICIT BIAS; AND**

23 **(III) UNDERGO, AFTER RECEIVING TRAINING TO ADDRESS
24 IMPLICIT BIAS, AN EVALUATION TO MEASURE THE RESULTS OF THE TRAINING; AND**

25 **(6) ENSURE THAT ANONYMIZED DATA ON ALL TESTS AND
26 EVALUATIONS REQUIRED BY ITEM (5) OF THIS PARAGRAPH ARE AVAILABLE TO THE
27 PUBLIC ON THE WEBSITE OF THE OFFICE OR BY REQUEST.**

28 **Article – Public Safety**

29 3–207.

1 (a) The Commission has the following powers and duties:

2 (1) to establish standards for the approval and continuation of approval of
3 schools that conduct police entrance-level and in-service training courses required by the
4 Commission, including State, regional, county, and municipal training schools;

5 (2) to approve and issue certificates of approval to police training schools;

6 (3) to inspect police training schools;

7 (4) to revoke, for cause, the approval or certificate of approval issued to a
8 police training school;

9 (5) to establish the following for police training schools:

10 (i) curriculum;

11 (ii) minimum courses of study;

12 (iii) attendance requirements;

13 (iv) eligibility requirements;

14 (v) equipment and facilities;

15 (vi) standards of operation; and

16 (vii) minimum qualifications for instructors;

17 (6) to require, for entrance-level police training and at least every 3 years
18 for in-service level police training conducted by the State and each county and municipal
19 police training school, that the curriculum and minimum courses of study include special
20 training, attention to, and study of the application and enforcement of:

21 (i) the criminal laws concerning rape and sexual offenses, including
22 the sexual abuse and exploitation of children and related evidentiary procedures;

23 (ii) the criminal laws concerning human trafficking, including
24 services and support available to victims and the rights and appropriate treatment of
25 victims;

26 (iii) the criminal laws concerning hate crimes, including the
27 recognition of, response to, and reporting of incidents required to be reported under §
28 2-307 of this article;

29 (iv) the contact with and treatment of victims of crimes and
30 delinquent acts;

1 (v) the notices, services, support, and rights available to victims and
2 victims' representatives under State law; and

3 (vi) the notification of victims of identity fraud and related crimes of
4 their rights under federal law;

5 (7) to certify and issue appropriate certificates to qualified instructors for
6 police training schools authorized by the Commission to offer police training programs;

7 (8) to verify that police officers have satisfactorily completed training
8 programs and issue diplomas to those police officers;

9 (9) to conduct and operate police training schools authorized by the
10 Commission to offer police training programs;

11 (10) to make a continuous study of entrance-level and in-service training
12 methods and procedures;

13 (11) to consult with and accept the cooperation of any recognized federal,
14 State, or municipal law enforcement agency or educational institution;

15 (12) to consult and cooperate with universities, colleges, and institutions in
16 the State to develop specialized courses of study for police officers in police science and
17 police administration;

18 (13) to consult and cooperate with other agencies and units of the State
19 concerned with police training;

20 (14) to develop, with the cooperation of the Office of the Chief Medical
21 Examiner and the Federal Bureau of Investigation, a uniform missing person report form
22 to be available for use by each law enforcement agency of the State on or before October 1,
23 2008;

24 (15) to require, for entrance-level police training and annually for
25 in-service level police training conducted by the State and each county and municipal police
26 training school, that the curriculum and minimum courses of study include, for police
27 officers who are issued an electronic control device by a law enforcement agency, special
28 training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal
29 Law Article, consistent with established law enforcement standards and federal and State
30 constitutional provisions;

31 (16) to require, for entrance-level police training and, as determined by the
32 Commission, for in-service level training conducted by the State and each county and
33 municipal police training school, that the curriculum and minimum courses of study
34 include, consistent with established law enforcement standards and federal and State
35 constitutional provisions:

1 (i) training in lifesaving techniques, including Cardiopulmonary
2 Resuscitation (CPR);

3 (ii) training in the proper level and use of force;

4 (iii) training regarding sensitivity to cultural and gender diversity;
5 and

6 (iv) training regarding individuals with physical, intellectual,
7 developmental, and psychiatric disabilities;

8 (17) to require, for entrance-level police training and at least every 2 years
9 for in-service level police training conducted by the State and each county and municipal
10 police training school, that the curriculum and minimum courses of study include special
11 training, attention to, and study of the application of antidiscrimination and use of force
12 de-escalation training;

13 (18) to develop, with the cooperation of the Office of the Attorney General,
14 the Governor's Office of Crime Prevention, Youth, and Victim Services, and the Federal
15 Trade Commission, a uniform identity fraud reporting form that:

16 (i) makes transmitted data available on or before October 1, 2011,
17 for use by each law enforcement agency of State and local government; and

18 (ii) may authorize the data to be transmitted to the Consumer
19 Sentinel program in the Federal Trade Commission;

20 (19) to adopt and recommend a set of best practices and standards for use of
21 force;

22 (20) to evaluate and modernize recruitment standards and practices of law
23 enforcement agencies to increase diversity within those law enforcement agencies and
24 develop strategies for recruiting women and African American, Hispanic or Latino, and
25 other minority candidates;

26 (21) to develop standards for the mandatory psychological consultation with
27 a law enforcement officer who was actively involved in an incident when another person
28 was seriously injured or killed as a result of an accident or a shooting or has returned from
29 combat deployment;

30 (22) to require:

31 (i) a statement condemning motorcycle profiling to be included in
32 existing written policies regarding other profiling; and

1 (ii) for entrance-level police training and for in-service level
2 training conducted by the State and each county and municipal police training school, that
3 the curriculum and minimum courses of study include, consistent with established law
4 enforcement standards and federal and State constitutional provisions, training related to
5 motorcycle profiling in conjunction with existing training regarding other profiling;

6 (23) to perform any other act, including adopting regulations, that is
7 necessary or appropriate to carry out the powers and duties of the Commission under this
8 subtitle; [and]

9 (24) to consult and cooperate with commanders of SWAT teams to develop
10 standards for training and deployment of SWAT teams and of law enforcement officers who
11 are not members of a SWAT team who conduct no-knock warrant service in the State based
12 on best practices in the State and nationwide;

13 **(25) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING**
14 **CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING**
15 **SCHOOL, THAT THE CURRICULUM INCLUDE:**

16 **(I) A TEST FOR IMPLICIT BIAS;**

17 **(II) TRAINING TO ADDRESS IMPLICIT BIAS; AND**

18 **(III) AN EVALUATION, CONDUCTED AFTER A POLICE OFFICER**
19 **HAS RECEIVED TRAINING TO ADDRESS IMPLICIT BIAS, TO MEASURE THE RESULTS**
20 **OF THE TRAINING; AND**

21 **(26) TO DEVELOP A POLICY REQUIRING EACH LAW ENFORCEMENT**
22 **AGENCY TO MAKE ANONYMIZED DATA ON ALL TESTS AND EVALUATIONS ON IMPLICIT**
23 **BIAS AVAILABLE TO THE PUBLIC ON THE WEBSITE FOR THE COMMISSION OR BY**
24 **REQUEST.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2021.