

# SENATE BILL 42

E4

11r0494

(PRE-FILED)

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By: **Senator Young**

Requested: September 8, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Police Officers – Screening for Violent Behavior, Aggressive**  
3 **Behavior, and Bias**

4 FOR the purpose of prohibiting a law enforcement agency from employing an individual as  
5 a police officer unless the individual has undergone and achieved a certain result on  
6 a certain screening; providing that a certain police officer applicant is not eligible to  
7 serve as a police officer for a certain period of time and must undergo a certain  
8 screening and achieve a certain result in order to become eligible to work as a police  
9 officer; requiring a police officer to undergo a certain screening at certain intervals  
10 and achieve a certain result in order to remain eligible to work as a police officer;  
11 requiring a police officer who is found to have certain behaviors or bias to be placed  
12 on desk duty and receive counseling; requiring a police officer who fails to achieve a  
13 certain result on a certain screening at a certain time to be dismissed from  
14 employment or retired under certain circumstances; requiring that a police officer  
15 receive certain training at a certain time; requiring that a police officer who does not  
16 receive certain training at a certain time be removed from street duty until a certain  
17 time; requiring that a police officer who has been convicted of a certain crime be  
18 screened by a certain psychologist or psychiatrist; requiring that a certain police  
19 officer be removed from street duty or terminated from employment if a certain  
20 psychologist or psychiatrist makes a certain determination; requiring that a police  
21 officer who has been convicted of killing or causing a certain injury against another  
22 person be terminated from employment; requiring that a police officer candidate or  
23 police officer who is discovered to belong to or have ties to a certain group be  
24 disqualified from becoming a police officer or terminated from employment; and  
25 generally relating to police officer qualifications.

26 BY adding to  
27 Article – Public Safety  
28 Section 3–523  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2020 Supplement)

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

**Article – Public Safety**

**3-523.**

**(A) A LAW ENFORCEMENT AGENCY MAY NOT EMPLOY AN INDIVIDUAL AS A POLICE OFFICER UNLESS THE INDIVIDUAL HAS UNDERGONE AND ACHIEVED A SATISFACTORY RESULT ON A PSYCHOLOGICAL SCREENING ADMINISTERED BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST FOR THE PURPOSE OF DETECTING:**

**(1) VIOLENT OR OVERLY AGGRESSIVE BEHAVIORS; AND**

**(2) BIAS BASED ON RACE, COLOR, RELIGION, ANCESTRY OR NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR GENETIC INFORMATION.**

**(B) A POLICE OFFICER APPLICANT WHO IS FOUND TO HAVE VIOLENT OR OVERLY AGGRESSIVE BEHAVIORS OR BIAS UNDER SUBSECTION (A) OF THIS SECTION:**

**(1) IS NOT ELIGIBLE TO WORK AS A POLICE OFFICER FOR A PERIOD OF 1 YEAR AFTER THE ADMINISTRATION OF THE PSYCHOLOGICAL SCREENING; AND**

**(2) SHALL UNDERGO ANOTHER PSYCHOLOGICAL SCREENING UNDER SUBSECTION (A) OF THIS SECTION AND ACHIEVE A SATISFACTORY RESULT IN ORDER TO BECOME ELIGIBLE TO WORK AS A POLICE OFFICER.**

**(C) (1) EVERY 5 YEARS, A POLICE OFFICER SHALL UNDERGO A PSYCHOLOGICAL SCREENING AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION AND ACHIEVE A SATISFACTORY RESULT IN ORDER TO REMAIN ELIGIBLE TO WORK AS A POLICE OFFICER.**

**(2) A POLICE OFFICER WHO IS FOUND TO HAVE VIOLENT OR OVERLY AGGRESSIVE BEHAVIORS OR BIAS SHALL:**

**(I) BE PLACED ON DESK DUTY; AND**

**(II) RECEIVE COUNSELING.**

**(3) IF A POLICE OFFICER FAILS TO ACHIEVE A SATISFACTORY RESULT**

1 ON THE PSYCHOLOGICAL SCREENING WITHIN 1 YEAR AFTER RECEIVING AN  
2 UNSATISFACTORY RESULT, THE POLICE OFFICER SHALL BE:

3 (I) DISMISSED FROM EMPLOYMENT; OR

4 (II) RETIRED, IF ELIGIBLE.

5 (D) (1) EVERY 3 YEARS, A POLICE OFFICER SHALL RECEIVE TRAINING  
6 APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION  
7 ON HOW TO RECOGNIZE:

8 (I) VIOLENT AND OVERLY AGGRESSIVE BEHAVIORS; AND

9 (II) BIAS BASED ON RACE, COLOR, RELIGION, ANCESTRY OR  
10 NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, SEXUAL ORIENTATION, GENDER  
11 IDENTITY, DISABILITY, OR GENETIC INFORMATION.

12 (2) A POLICE OFFICER WHO DOES NOT COMPLETE THE TRAINING  
13 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BEFORE THE END OF A  
14 3-YEAR PERIOD SHALL BE REMOVED FROM STREET DUTY UNTIL TRAINING IS  
15 SUCCESSFULLY COMPLETED.

16 (E) (1) A POLICE OFFICER WHO HAS BEEN CONVICTED OF A CRIME BASED  
17 ON THE USE OF EXCESSIVE FORCE OR MOTIVATED BY BIAS AGAINST A PROTECTED  
18 CLASS SHALL BE SCREENED BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST.

19 (2) IF THE LICENSED PSYCHOLOGIST OR PSYCHIATRIST DETERMINES  
20 THAT THE POLICE OFFICER DEMONSTRATES VIOLENCE, AGGRESSION, OR BIAS, THE  
21 POLICE OFFICER SHALL BE REMOVED FROM STREET DUTY OR TERMINATED FROM  
22 EMPLOYMENT.

23 (F) A POLICE OFFICER WHO HAS BEEN CONVICTED OF KILLING OR CAUSING  
24 A DEBILITATING INJURY AGAINST ANOTHER PERSON SHALL BE TERMINATED FROM  
25 EMPLOYMENT.

26 (G) A POLICE OFFICER CANDIDATE OR POLICE OFFICER WHO IS  
27 DISCOVERED TO BELONG TO OR HAVE TIES TO AN EXTREMIST OR HATE GROUP, AS  
28 DESIGNATED BY THE FEDERAL BUREAU OF INVESTIGATION, CENTRAL  
29 INTELLIGENCE AGENCY, OR DEPARTMENT OF HOMELAND SECURITY, SHALL BE  
30 DISQUALIFIED FROM BECOMING A POLICE OFFICER OR TERMINATED FROM  
31 EMPLOYMENT.

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