

# SENATE BILL 166

E4, E2

1lr1461

(PRE-FILED)

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By: **Senators Sydnor, Benson, Elfreth, Hayes, Kelley, McCray, Pinsky, and Washington**

Requested: November 1, 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 **Criminal Procedure – Police Officers – Duty to Report Misconduct**  
3 **(Maryland Police Accountability Act)**

4 FOR the purpose of requiring a certain police officer to report certain conduct of another  
5 police officer to a certain supervisor or chief under certain circumstances; prohibiting  
6 a police officer from knowingly and willfully violating the reporting requirement;  
7 establishing a certain penalty for a violation of this Act; defining certain terms; and  
8 generally relating to law enforcement procedures.

9 BY adding to  
10 Article – Criminal Procedure  
11 Section 2–109  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2020 Supplement)

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

16 **Article – Criminal Procedure**

17 **2–109.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
19 **INDICATED.**

20 **(2) “EXCESSIVE FORCE” MEANS PHYSICAL FORCE THAT, UNDER THE**  
21 **TOTALITY OF THE CIRCUMSTANCES, IS OBJECTIVELY UNREASONABLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**  
2 **3–201 OF THE PUBLIC SAFETY ARTICLE.**

3           **(4) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THE**  
4 **PUBLIC SAFETY ARTICLE.**

5           **(B) A POLICE OFFICER SHALL REPORT THE CONDUCT OF ANOTHER POLICE**  
6 **OFFICER TO THE REPORTING POLICE OFFICER’S SUPERVISOR OR TO THE CHIEF OF**  
7 **THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE REPORTING POLICE OFFICER**  
8 **WHENEVER THE REPORTING POLICE OFFICER HAS ACTUAL KNOWLEDGE THAT THE**  
9 **OTHER POLICE OFFICER HAS ENGAGED IN:**

10           **(1) HOMICIDE IN VIOLATION OF TITLE 2 OF THE CRIMINAL LAW**  
11 **ARTICLE;**

12           **(2) THE USE OF EXCESSIVE FORCE;**

13           **(3) A SEXUAL CRIME IN VIOLATION OF TITLE 3, SUBTITLE 3 OF THE**  
14 **CRIMINAL LAW ARTICLE;**

15           **(4) THEFT OR A RELATED CRIME IN VIOLATION OF TITLE 7, SUBTITLE**  
16 **1 OF THE CRIMINAL LAW ARTICLE;**

17           **(5) PERJURY IN VIOLATION OF TITLE 9, SUBTITLE 1 OF THE**  
18 **CRIMINAL LAW ARTICLE;**

19           **(6) FRAUD OR A RELATED CRIME IN VIOLATION OF TITLE 8 OF THE**  
20 **CRIMINAL LAW ARTICLE; OR**

21           **(7) TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE IN**  
22 **VIOLATION OF § 9–307 OF THE CRIMINAL LAW ARTICLE.**

23           **(C) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY VIOLATE**  
24 **SUBSECTION (B) OF THIS SECTION.**

25           **(D) A POLICE OFFICER WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS**  
26 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT**  
27 **NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

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