

# SENATE BILL 364

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By: **Senator McCray**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Civil Claims Against Law Enforcement Officers of an**  
3 **Institution of Higher Education – Prohibition Against Nondisclosure Provision**  
4 **in Settlement Agreement**

5 FOR the purpose of prohibiting the use or enforcement of a confidentiality or other  
6 nondisclosure provision in a settlement agreement or other release of liability  
7 between the parties in a claim of misconduct in the performance of duties against a  
8 law enforcement officer of an institution of higher education in Baltimore City;  
9 providing for the application of this Act; defining certain terms; and generally  
10 relating to private law enforcement officers of institutions of higher education.

11 BY adding to  
12 Article – Courts and Judicial Proceedings  
13 Section 5–644  
14 Annotated Code of Maryland  
15 (2020 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article – Education  
18 Section 10–101(a) and (h)  
19 Annotated Code of Maryland  
20 (2018 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Public Safety  
23 Section 3–101(a) and (e)(1)(i) and (ii)18., 19., 22., and 27. and (2)(i), (iv), and (xi)  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2020 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



**Article – Courts and Judicial Proceedings**

5–644.

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

(2) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN § 10–101 OF THE EDUCATION ARTICLE.

(3) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE.

(B) THIS SECTION APPLIES ONLY TO A CLAIM OR SUIT ARISING IN BALTIMORE CITY.

(C) FOR A CLAIM OR SUIT ASSERTING MISCONDUCT IN THE PERFORMANCE OF DUTIES BY A LAW ENFORCEMENT OFFICER OF A LAW ENFORCEMENT AGENCY OF AN INSTITUTION OF HIGHER EDUCATION, A SETTLEMENT AGREEMENT OR ANY GENERAL RELEASE OF LIABILITY BETWEEN THE PARTIES MAY NOT CONTAIN, AND A COURT MAY NOT ENFORCE, A CONFIDENTIALITY OR OTHER NONDISCLOSURE PROVISION.

**Article – Education**

10–101.

(a) In this division the following words have the meanings indicated.

(h) (1) “Institution of higher education” means an institution of postsecondary education that generally limits enrollment to graduates of secondary schools, and awards degrees at either the associate, baccalaureate, or graduate level.

(2) “Institution of higher education” includes public, private nonprofit, and for-profit institutions of higher education.

**Article – Public Safety**

3–101.

(a) In this subtitle the following words have the meanings indicated.

(e) (1) “Law enforcement officer” means an individual who:

- 1 (i) in an official capacity is authorized by law to make arrests; and
- 2 (ii) is a member of one of the following law enforcement agencies:
- 3 18. the police forces of the University System of Maryland;
- 4 19. the police force of Morgan State University;
- 5 22. the police force of the Baltimore City Community College;
- 6 27. the police department of the Johns Hopkins University
- 7 established in accordance with Title 24, Subtitle 12 of the Education Article.

8 (2) "Law enforcement officer" does not include:

- 9 (i) an individual who serves at the pleasure of the Police
- 10 Commissioner of Baltimore City;
- 11 (iv) an officer who is in probationary status on initial entry into the
- 12 law enforcement agency except if an allegation of brutality in the execution of the officer's
- 13 duties is made;
- 14 (xi) the Chief of Police of the police department of the Johns Hopkins
- 15 University established in accordance with Title 24, Subtitle 12 of the Education Article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to

17 apply only prospectively and may not be applied or interpreted to have any effect on or

18 application to any agreement or release of liability executed before the effective date of this

19 Act.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

21 October 1, 2021.