

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 388 (Prince George's County Delegation)
Judiciary and Health and Government
Operations

Prince George's County - Law Enforcement - Sound Level Meters
PG 305-24

This bill requires the Maryland Police Training and Standards Commission (MPTSC), by January 1, 2025, to develop and publish online a policy for the issuance and use of a sound level meter by a law enforcement officer, as specified. The Department of General Services (DGS), in coordination with the Department of Information Technology (DoIT), must negotiate contracts, at the request of one or more law enforcement agencies, with third parties for the acquisition and maintenance of sound level meters, equipment, or technology for law enforcement agencies, as specified. In addition, the Prince George’s County Police Department (PGPD) must (1) by July 1, 2025, require the use of sound level meters, subject to the MPTSC policy, by a law enforcement officer employed by the department as a part of the law enforcement officer’s official duties and (2) develop and maintain a written policy, consistent with the MPTSC published policy, for the use of sound level meters, as specified.

Fiscal Summary

State Effect: None. MPTSC, DGS, and DoIT can handle the bill’s requirements with existing budgeted resources. Revenues are not affected.

Local Effect: The operations and finances of Prince George’s County and other local jurisdictions are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary:

Maryland Police Training and Standards Commission: The policy developed by MPTSC must address (1) the testing of sound level meters to ensure adequate functioning; (2) the procedure for the law enforcement officer to follow if the sound level meter fails to properly operate at the beginning of or during the law enforcement officer's shift; (3) when measuring is mandatory, prohibited, and discretionary; (4) consequences for violations of the law enforcement agency's sound level meter policy; and (5) any additional issues determined to be relevant in the implementation and use of sound level meters by law enforcement officers.

Department of General Services: DGS must notify all law enforcement agencies of the contracts that are being negotiated by posting the contracts on eMaryland Marketplace Advantage (eMMA). The contracts must prioritize (1) equipment and technology that comply with the MPTSC policy on sound level meters; (2) equipment and technology that conform to industry standards and best practices; (3) compatibility with different equipment and technology; and (4) cost effectiveness. A negotiated contract may not restrict, in any manner, the right of the law enforcement agency to receive services from an entity related to editing or transferring data from sound level meters.

Prince George's County Police Department: A policy developed and maintained by PGPD on sound level meters must specify which law enforcement officers employed by the department are required to use sound level meters. PGPD may not negate or alter any of the requirements or policies established in accordance with the bill through collective bargaining.

Definitions: "Sound level meter" means a device used for measuring the intensity of noise and other sounds.

Current Law: The Motor Vehicle Administration (MVA) is required to adopt regulations establishing maximum sound level limits for each type of motor vehicle or combination of vehicles (including new motor vehicles). Generally, MVA must set the most restrictive level that (through the application of the best available technology at a reasonable cost) is consistent with attaining environmental noise standards adopted by the Maryland Department of the Environment (MDE). For motor carriers engaged in interstate commerce, MVA must consider any noise emission regulations established under federal law.

MDE is required to adopt environmental noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare,

and property. When adopting the standards, MDE, or a political subdivision that chooses to adopt environmental noise standards, must consider specified information from the U.S. Environmental Protection Agency and other scientific information.

A political subdivision (a county or a municipality) is authorized to enforce the sound level limits and noise control rules and regulations adopted under Title 3 of the Environment Article, which governs noise control. Among other things, a political subdivision may issue a corrective order and bring an action to enjoin any conduct that is a willful violation (after providing reasonable time for a person to comply). In addition, a person who willfully violates any provision of Title 3 or any rule, regulation, or order adopted or issued under Title 3 is liable to a civil penalty of up to \$10,000 to be collected in a civil action brought by a political subdivision in the circuit court for any county, as specified. Each day is a separate violation.

Maryland statute does not address the use of sound level meters by law enforcement agencies.

Chapter 743 of 2023 requires DGS, in coordination with DoIT, to negotiate contracts, at the request of one or more law enforcement agencies, with third parties to acquire or maintain body-worn cameras, equipment, or technology for law enforcement agencies. The contracts must meet specified criteria and not restrict the right of law enforcement agencies to receive related services. DGS must notify all law enforcement agencies of the contracts that it is negotiating by posting the contracts on eMMA.

State procurement law designates DGS as the primary procurement unit with jurisdiction over, among other things, (1) supplies; (2) services; (3) information processing equipment and associated services; and (4) telecommunications equipment, systems, or services. Within DGS, the Chief Procurement Officer is the head of all procurement activity for the Executive Branch.

eMMA is the State's cloud-based procurement portal.

“Law enforcement agency” means a governmental police force, sheriff’s office, or security force or law enforcement organization of the State, a county, or a municipality that by statute, ordinance, or common law is authorized to enforce the general criminal laws of the State. It does not include specified members of the Maryland National Guard.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Information Technology; Howard and Prince George's counties; cities of Frederick and Havre de Grace; Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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