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February 20, 2024

**TO:** The Honorable Luke Clippinger  
Chair, Judiciary Committee

**FROM:** Peter V. Berns  
General Counsel, Executive Division, Office of the Attorney General

**RE:** House Bill 748 – State Government – Commission on Hate Crime Response and Prevention – Code of Conduct - **Support with Amendments**

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The Office of the Attorney General requests the Committee to amend House Bill 748 - State Government – Commission on Hate Crime Response and Prevention – Code of Conduct, sponsored by Delegates Cardin, Allen, Attar, Edelson, Kaiser, Kaufman, Rosenberg, Schmidt, Solomon, Spiegel, Stein, and Vogel, and then provide a favorable report.

House Bill 748 requires the development and adoption of a “code of conduct” for members of the Commission on Hate Crime Response and Prevention, as well as a policy for investigating violations of the code and a process for handling public complaints. It further would authorize the Attorney General to suspend or remove members that violate the code. It requires the Attorney General to report annually on any investigations conducted under authority of the legislation.

The Attorney General supports HB 748 in concept but believes it should be amended to apply to ALL boards, commissions, committees, work groups, and task forces created by law

that are not already subject to similar requirements. There are more than 600 boards and commissions established under State law.

Removal or suspension of a board or commission member is also the subject of HB 809, sponsored by Delegate Vogel. That bill provides for the individual or entity that appointed a member to also have authority to suspend or remove them for “misconduct, incompetence, neglect of duties, or other good cause.” Given its applicability to ALL boards and commissions, we believe it provides the preferable approach.

The Attorney General also believes that the members of ALL boards and commissions should abide by a code of conduct. Further definition is, however, required to address which members should be covered and what content should be included in the code of conduct and to assure that it is not duplicative of, nor contradicts, existing legal and regulatory requirements.

For example, Maryland’s Public Ethics Law already applies to persons serving on boards and commissions, including its conflict of interest, confidentiality, and financial disclosure requirements. See, Maryland State Ethics Commission, [Public Ethics Law Summary for Board and Commission Members](#). Any code of conduct requirement must comport with the provisions of the Public Ethics Law. Similarly, State employees serving on boards and commissions are already subject to a variety of conduct requirements, such as the Executive Order 01.01.2023.01, [Standards of Conduct for Executive Branch Employees](#), or Executive Order 01.01.2007.16, [Code of Fair Employment Practices](#). Thus, any code of conduct requirement may need to carve out state employees who already are subject to strict requirements. Alternatively, and analogous to the approach codified in the Public Ethics Law, a code of conduct requirement could specify that volunteers serving as “public officials” on a board of commission are subject to the same conduct requirements as executive branch employees, except where clearly not applicable.

Finally, it is worth noting that many boards and commissions already develop bylaws, guidelines, procedure manuals, and other written documents to govern how they conduct their affairs. The enabling legislation for a board or commission typically confers authority to create rules of procedures or process. The authority to create a code of conduct is not lacking and, in fact, the Commission on Hate Crime Response and Prevention has recently released its own *Operating Guidelines*. What has been missing is the ability of the individual or entity who appoints a member to a board or commission to suspend or remove that member for cause when needed.

For these reasons, the Office of the Attorney General urges a favorable report with amendments to House Bill 748.