
By: **Delegates Smigiel, Costa, Dwyer, Edwards, Elmore, Frank, Haddaway,
Hennessy, Hogan, Kach, McComas, McMillan, Myers, Nathan-Pulliam,
Shank, Sossi, Stull, Taylor, and F. Turner**

Introduced and read first time: January 26, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights - Prohibition Against Arrest and**
3 **Citation Quotas**

4 FOR the purpose of prohibiting a law enforcement agency from establishing a formal
5 or informal policy requiring or suggesting that a law enforcement officer meet a
6 quota for making arrests or issuing citations; prohibiting a law enforcement
7 agency from using the number of arrests made or citations issued by a law
8 enforcement officer as the sole or primary criterion for promotion, demotion,
9 dismissal, or the earning of a benefit provided by the law enforcement agency;
10 authorizing a law enforcement agency to collect, analyze, and apply certain
11 information to ensure that a particular law enforcement officer or group of law
12 enforcement officers does not violate an applicable legal obligation; defining a
13 certain term; and generally relating to law enforcement agencies and quotas for
14 making arrests or issuing citations.

15 BY adding to

16 Article - Public Safety
17 Section 3-101(f)
18 Annotated Code of Maryland
19 (2003 Volume and 2004 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article - Public Safety
22 Section 3-103
23 Annotated Code of Maryland
24 (2003 Volume and 2004 Supplement)

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

1 **Article - Public Safety**

2 3-101.

3 (F) "QUOTA" MEANS ANY REQUIREMENT, IN WRITING OR OTHERWISE,
4 REGARDING:5 (1) THE NUMBER OF ARRESTS MADE OR THE NUMBER OF CITATIONS
6 ISSUED WITHIN A DEFINED PERIOD OF TIME BY A LAW ENFORCEMENT OFFICER; OR7 (2) THE PROPORTION OF THE ARRESTS MADE AND CITATIONS ISSUED
8 BY A LAW ENFORCEMENT OFFICER RELATIVE TO THE ARRESTS MADE AND
9 CITATIONS ISSUED BY ANOTHER LAW ENFORCEMENT OFFICER OR GROUP OF LAW
10 ENFORCEMENT OFFICERS.

11 3-103.

12 (a) (1) Subject to paragraph (2) of this subsection, a law enforcement officer
13 has the same rights to engage in political activity as a State employee.14 (2) This right to engage in political activity does not apply when the law
15 enforcement officer is on duty or acting in an official capacity.

16 (b) A law enforcement agency:

17 (1) may not prohibit secondary employment by law enforcement officers;
18 but19 (2) may adopt reasonable regulations that relate to secondary
20 employment by law enforcement officers.21 (c) A law enforcement officer may not be required or requested to disclose an
22 item of the law enforcement officer's property, income, assets, source of income, debts,
23 or personal or domestic expenditures, including those of a member of the law
24 enforcement officer's family or household, unless:25 (1) the information is necessary to investigate a possible conflict of
26 interest with respect to the performance of the law enforcement officer's official
27 duties; or

28 (2) the disclosure is required by federal or State law.

29 (D) (1) A LAW ENFORCEMENT AGENCY:

30 (I) MAY NOT ESTABLISH A FORMAL OR INFORMAL POLICY
31 REQUIRING OR SUGGESTING THAT A LAW ENFORCEMENT OFFICER MEET A QUOTA
32 FOR MAKING ARRESTS OR ISSUING CITATIONS; AND33 (II) MAY NOT USE THE NUMBER OF ARRESTS MADE OR CITATIONS
34 ISSUED BY A LAW ENFORCEMENT OFFICER AS THE SOLE OR PRIMARY CRITERION

1 FOR PROMOTION, DEMOTION, DISMISSAL, OR THE EARNING OF A BENEFIT PROVIDED
2 BY THE LAW ENFORCEMENT AGENCY.

3 (2) A LAW ENFORCEMENT AGENCY MAY COLLECT, ANALYZE, AND APPLY
4 INFORMATION CONCERNING THE NUMBER OF ARRESTS AND CITATIONS IN ORDER
5 TO ENSURE THAT A PARTICULAR LAW ENFORCEMENT OFFICER OR GROUP OF LAW
6 ENFORCEMENT OFFICERS DOES NOT VIOLATE AN APPLICABLE LEGAL OBLIGATION.

7 [(d)] (E) A law enforcement officer may not be discharged, disciplined,
8 demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated
9 against in regard to the law enforcement officer's employment or be threatened with
10 that treatment because the law enforcement officer:

11 (1) has exercised or demanded the rights granted by this subtitle; or

12 (2) has lawfully exercised constitutional rights.

13 [(e)] (F) A statute may not abridge and a law enforcement agency may not
14 adopt a regulation that prohibits the right of a law enforcement officer to bring suit
15 that arises out of the law enforcement officer's duties as a law enforcement officer.

16 [(f)] (G) A law enforcement officer may waive in writing any or all rights
17 granted by this subtitle.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2005.