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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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2005

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CHAPTER \_\_\_\_\_

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

1 (2003 Volume and 2004 Supplement)

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

4 **Article - Public Safety**

5 3-101.

6 (F) "QUOTA" MEANS ANY REQUIREMENT, IN WRITING OR OTHERWISE,  
7 REGARDING:

8 (1) THE NUMBER OF ARRESTS MADE OR THE NUMBER OF CITATIONS  
9 ISSUED WITHIN A DEFINED PERIOD OF TIME BY A LAW ENFORCEMENT OFFICER; OR

10 (2) THE PROPORTION OF THE ARRESTS MADE AND CITATIONS ISSUED  
11 BY A LAW ENFORCEMENT OFFICER RELATIVE TO THE ARRESTS MADE AND  
12 CITATIONS ISSUED BY ANOTHER LAW ENFORCEMENT OFFICER OR GROUP OF LAW  
13 ENFORCEMENT OFFICERS.

14 3-103.

15 (a) (1) Subject to paragraph (2) of this subsection, a law enforcement officer  
16 has the same rights to engage in political activity as a State employee.

17 (2) This right to engage in political activity does not apply when the law  
18 enforcement officer is on duty or acting in an official capacity.

19 (b) A law enforcement agency:

20 (1) may not prohibit secondary employment by law enforcement officers;  
21 but

22 (2) may adopt reasonable regulations that relate to secondary  
23 employment by law enforcement officers.

24 (c) A law enforcement officer may not be required or requested to disclose an  
25 item of the law enforcement officer's property, income, assets, source of income, debts,  
26 or personal or domestic expenditures, including those of a member of the law  
27 enforcement officer's family or household, unless:

28 (1) the information is necessary to investigate a possible conflict of  
29 interest with respect to the performance of the law enforcement officer's official  
30 duties; or

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

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

1                   ~~(I)       MAY NOT ESTABLISH A FORMAL OR INFORMAL POLICY~~  
2 ~~REQUIRING OR SUGGESTING THAT REQUIRE A LAW ENFORCEMENT OFFICER TO~~  
3 ~~MEET A QUOTA FOR MAKING ARRESTS OR ISSUING CITATIONS; AND CITATIONS.~~

4                   ~~(II)       MAY NOT USE THE NUMBER OF ARRESTS MADE OR CITATIONS~~  
5 ~~ISSUED BY A LAW ENFORCEMENT OFFICER AS THE SOLE OR PRIMARY CRITERION~~  
6 ~~FOR PROMOTION, DEMOTION, DISMISSAL, OR THE EARNING OF A BENEFIT PROVIDED~~  
7 ~~BY THE LAW ENFORCEMENT AGENCY.~~

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

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

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

17                   (2)       has lawfully exercised constitutional rights.

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

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

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