

(PRE-FILED)

By: **Delegate Smigiel**
Requested: August 2, 2005
Introduced and read first time: January 11, 2006
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 requiring that a law
5 enforcement officer meet a quota for making arrests or issuing citations;
6 authorizing a law enforcement agency to collect, analyze, and apply certain
7 information to ensure that a particular law enforcement officer or group of law
8 enforcement officers does not violate an applicable legal obligation; defining a
9 certain term; and generally relating to law enforcement agencies and quotas for
10 making arrests or issuing citations.

11 BY adding to
12 Article - Public Safety
13 Section 3-101(f)
14 Annotated Code of Maryland
15 (2003 Volume and 2005 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Public Safety
18 Section 3-103
19 Annotated Code of Maryland
20 (2003 Volume and 2005 Supplement)

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

23 **Article - Public Safety**

24 3-101.

25 (F) "QUOTA" MEANS ANY REQUIREMENT, IN WRITING OR OTHERWISE,
26 REGARDING:

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

3 (2) THE PROPORTION OF THE ARRESTS MADE AND CITATIONS ISSUED
4 BY A LAW ENFORCEMENT OFFICER RELATIVE TO THE ARRESTS MADE AND
5 CITATIONS ISSUED BY ANOTHER LAW ENFORCEMENT OFFICER OR GROUP OF LAW
6 ENFORCEMENT OFFICERS.

7 3-103.

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

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

12 (b) A law enforcement agency:

13 (1) may not prohibit secondary employment by law enforcement officers;
14 but

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

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

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

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

25 (D) (1) A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE A LAW
26 ENFORCEMENT OFFICER TO MEET A QUOTA FOR MAKING ARRESTS OR ISSUING
27 CITATIONS.

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

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

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

1 (2) has lawfully exercised constitutional rights.

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2006.