

(PRE-FILED)

By: **Delegate Smigiel**
 Requested: August 2, 2005
 Introduced and read first time: January 11, 2006
 Assigned to: Judiciary

Committee Report: Favorable with amendments
 House action: Adopted
 Read second time: March 19, 2006

CHAPTER _____

1 AN ACT concerning

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

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

15 BY adding to
 16 Article - Public Safety
 17 Section ~~3-101(f)~~ 3-504
 18 Annotated Code of Maryland
 19 (2003 Volume and 2005 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 2005 Supplement)~~

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

3 **Article - Public Safety**

4 ~~3-101.~~

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

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

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

13 ~~3-103.~~

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

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

18 ~~(b) A law enforcement agency:~~

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

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

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

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

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

31 ~~(D) (1) A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE A LAW~~
32 ~~ENFORCEMENT OFFICER TO MEET A QUOTA FOR MAKING ARRESTS OR ISSUING~~
33 ~~CITATIONS.~~

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

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

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

10 (2) ~~has lawfully exercised constitutional rights.~~

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

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

16 3-504.

17 (A) IN THIS SECTION, "QUOTA" MEANS THE MANDATING OF A FINITE NUMBER
18 OF ARRESTS MADE OR CITATIONS ISSUED THAT A LAW ENFORCEMENT OFFICER
19 MUST MEET IN A SPECIFIED TIME PERIOD.

20 (B) A LAW ENFORCEMENT AGENCY MAY NOT:

21 (1) ESTABLISH A FORMAL OR INFORMAL QUOTA FOR THE LAW
22 ENFORCEMENT AGENCY OR LAW ENFORCEMENT OFFICERS OF THE AGENCY; OR

23 (2) USE THE NUMBER OF ARRESTS MADE OR CITATIONS ISSUED BY A
24 LAW ENFORCEMENT OFFICER AS THE SOLE OR PRIMARY CRITERION FOR
25 PROMOTION, DEMOTION, DISMISSAL, OR TRANSFER OF THE OFFICER.

26 (C) THIS SECTION DOES NOT PRECLUDE A LAW ENFORCEMENT AGENCY
27 FROM:

28 (1) USING QUANTITATIVE DATA FOR ARRESTS, CITATIONS, AND OTHER
29 LAW ENFORCEMENT ACTIVITIES AS MANAGEMENT TOOLS OR IN EVALUATING
30 PERFORMANCE;

31 (2) COLLECTING, ANALYZING, AND APPLYING INFORMATION
32 CONCERNING THE NUMBER OF ARRESTS AND CITATIONS IN ORDER TO ENSURE THAT
33 A PARTICULAR LAW ENFORCEMENT OFFICER OR GROUP OF LAW ENFORCEMENT
34 OFFICERS DOES NOT VIOLATE AN APPLICABLE LEGAL OBLIGATION; OR

1 (3) ASSESSING THE PROPORTION OF THE ARRESTS MADE AND
2 CITATIONS ISSUED BY A LAW ENFORCEMENT OFFICER OR GROUP OF LAW
3 ENFORCEMENT OFFICERS.

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