
By: **Delegates Carter and Oaks**

Introduced and read first time: March 6, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Accurate Crime Reporting Act of 2006**

3 FOR the purpose of requiring a local law enforcement agency and the State Fire
4 Marshal to provide the Department of State Police with information about the
5 incidence of certain crimes in the State; prohibiting a local law enforcement
6 agency and the State Fire Marshal from intentionally providing the Department
7 certain inaccurate information; requiring a local law enforcement agency to
8 provide the employees of the agency with a certain notice; prohibiting a local law
9 enforcement agency from taking or refusing to take a personnel action as a
10 reprisal against an employee because the employee provides certain information
11 required under this Act, objects to or refuses to participate in the intentional
12 violation of this Act, or seeks a remedy under this Act; authorizing a certain
13 employee to institute a civil action under certain circumstances; authorizing a
14 court to issue an injunction to restrain continued violation of this Act and issue
15 certain other orders; establishing a certain defense to an action brought under
16 this Act; defining a certain term; providing for the application of this Act; and
17 generally relating to law enforcement agencies and the reporting of incidents of
18 crime.

19 BY repealing and reenacting, with amendments,
20 Article - Public Safety
21 Section 2-307
22 Annotated Code of Maryland
23 (2003 Volume and 2005 Supplement)

24 BY adding to
25 Article - Public Safety
26 Section 2-307.1
27 Annotated Code of Maryland
28 (2003 Volume and 2005 Supplement)

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

1 **Article - Public Safety**

2 2-307.

3 (a) (1) The Department shall collect, analyze, and disseminate information
4 about the incidence of crime in the State.

5 (2) EACH LOCAL LAW ENFORCEMENT AGENCY AND THE STATE FIRE
6 MARSHAL SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION DESCRIBED
7 IN PARAGRAPH (1) OF THIS SUBSECTION WITHIN THE RESPECTIVE JURISDICTION OF
8 THE AGENCY.

9 (b) (1) The Department shall collect and analyze information about
10 incidents apparently directed against an individual or group because of race, religion,
11 ethnicity, or sexual orientation.

12 (2) Each local law enforcement agency and the State Fire Marshal shall
13 provide the Department with the information described in paragraph (1) of this
14 subsection.

15 (3) The Department shall adopt procedures for the collection and
16 analysis of the information described in paragraph (1) of this subsection.

17 (4) The Department shall make monthly reports to the Commission on
18 Human Relations about the information described in paragraph (1) of this subsection.

19 (C) A LAW ENFORCEMENT AGENCY AND THE STATE FIRE MARSHAL MAY NOT
20 INTENTIONALLY PROVIDE TO THE DEPARTMENT INACCURATE INFORMATION
21 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

22 2-307.1.

23 (A) IN THIS SECTION, "EMPLOYEE" MEANS AN INDIVIDUAL WHO PERFORMS
24 SERVICES FOR, OR UNDER THE CONTROL AND DIRECTION OF, A LAW ENFORCEMENT
25 AGENCY FOR WAGES OR OTHER REMUNERATION.

26 (B) A LAW ENFORCEMENT AGENCY SUBJECT TO THIS SECTION SHALL
27 PROVIDE EMPLOYEES WITH WRITTEN NOTICE OF THE PROTECTIONS AND REMEDIES
28 PROVIDED BY THIS SECTION.

29 (C) A LAW ENFORCEMENT AGENCY MAY NOT TAKE OR REFUSE TO TAKE A
30 PERSONNEL ACTION AS A REPRISAL AGAINST AN EMPLOYEE BECAUSE THE
31 EMPLOYEE:

32 (1) PROVIDES ACCURATE INFORMATION REQUIRED UNDER § 2-307(C) OF
33 THIS SUBTITLE;

34 (2) OBJECTS TO OR REFUSES TO PARTICIPATE IN THE INTENTIONAL
35 PROVISION OF INACCURATE INFORMATION REQUIRED UNDER § 2-307(C) OF THIS
36 SUBTITLE; OR

1 (3) FOLLOWING THE PROVISION OF ACCURATE INFORMATION UNDER
2 ITEM (1) OF THIS SUBSECTION OR AN ACTION UNDER ITEM (2) OF THIS SUBSECTION,
3 SEEKS A REMEDY PROVIDED UNDER THIS SECTION.

4 (D) (1) AN EMPLOYEE WHO IS SUBJECT TO A PERSONNEL ACTION IN
5 VIOLATION OF SUBSECTION (C) OF THIS SECTION MAY INSTITUTE A CIVIL ACTION IN
6 THE COUNTY WHERE:

7 (I) THE ALLEGED VIOLATION OCCURRED; OR

8 (II) THE EMPLOYEE RESIDES.

9 (2) THE ACTION SHALL BE BROUGHT WITHIN 1 YEAR AFTER THE
10 ALLEGED VIOLATION OF SUBSECTION (C) OF THIS SECTION OCCURRED OR WITHIN 1
11 YEAR AFTER THE EMPLOYEE FIRST BECAME AWARE OF THE ALLEGED VIOLATION OF
12 SUBSECTION (C) OF THIS SECTION.

13 (E) IN AN ACTION BROUGHT UNDER THIS SECTION, A COURT MAY:

14 (1) ISSUE AN INJUNCTION TO RESTRAIN CONTINUED VIOLATION OF
15 SUBSECTION (C) OF THIS SECTION;

16 (2) REINSTATE THE EMPLOYEE TO THE SAME OR AN EQUIVALENT
17 POSITION HELD BEFORE THE VIOLATION OF SUBSECTION (C) OF THIS SECTION;

18 (3) REMOVE AN ADVERSE PERSONNEL RECORD ENTRY BASED ON OR
19 RELATED TO THE VIOLATION OF SUBSECTION (C) OF THIS SECTION;

20 (4) REINSTATE FULL FRINGE BENEFITS AND SENIORITY RIGHTS;

21 (5) REQUIRE COMPENSATION FOR LOST WAGES, BENEFITS, AND OTHER
22 REMUNERATION;

23 (6) AWARD COSTS OF LITIGATION AND REASONABLE ATTORNEY'S FEES
24 TO THE PREVAILING EMPLOYEE; AND

25 (7) AWARD OTHER APPROPRIATE DAMAGES AND RELIEF.

26 (F) IN AN ACTION BROUGHT UNDER THIS SECTION, IT IS A DEFENSE THAT
27 THE PERSONNEL ACTION WAS BASED ON GROUNDS OTHER THAN THE EMPLOYEE'S
28 EXERCISE OF A RIGHT PROTECTED UNDER THIS SECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
30 construed to apply only prospectively and may not be applied or interpreted to have
31 any effect on or application to any provision of information before the effective date of
32 this Act.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2006.