

HOUSE BILL 950

E4

9lr2090

By: **Delegates Kelly, Vallario, Dumais, Dwyer, Frank, Kramer, Lee, McComas, McConkey, Schuler, Simmons, Smigiel, and Waldstreicher**
Introduced and read first time: February 12, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers – Unsubstantiated Complaints – Admissibility**

3 FOR the purpose of providing that evidence of a certain complaint against a law
4 enforcement officer is not admissible in a certain proceeding if the complaint
5 resulted in a certain outcome; and generally relating to the admissibility of
6 evidence relating to a law enforcement officer.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 3–110
10 Annotated Code of Maryland
11 (2003 Volume and 2008 Supplement)

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

14 **Article – Public Safety**

15 3–110.

16 (A) On written request, a law enforcement officer may have expunged from
17 any file the record of a formal complaint made against the law enforcement officer if:

- 18 (1) (i) the law enforcement agency that investigated the complaint:
- 19 1. exonerated the law enforcement officer of all charges
20 in the complaint; or
- 21 2. determined that the charges were unsustainable or
22 unfounded; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) a hearing board acquitted the law enforcement officer,
2 dismissed the action, or made a finding of not guilty; and

3 (2) at least 3 years have passed since the final disposition by the law
4 enforcement agency or hearing board.

5 **(B) EVIDENCE OF A FORMAL COMPLAINT AGAINST A LAW**
6 **ENFORCEMENT OFFICER IS NOT ADMISSIBLE IN AN ADMINISTRATIVE OR**
7 **JUDICIAL PROCEEDING IF THE COMPLAINT RESULTED IN AN OUTCOME LISTED**
8 **IN SUBSECTION (A)(1) OF THIS SECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2009.