SENATE BILL 836

E4, D3, E2

9lr1728

By: **Senators Muse, Jacobs, Mooney, and Stone** Introduced and read first time: February 6, 2009 Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

Law Enforcement Officers' Bill of Rights – Discovery and Admissibility of Allegations

FOR the purpose of establishing that an allegation against a law enforcement officer, including the existence of an investigation into an allegation against the officer and the content of the investigation, is not discoverable or admissible in a judicial proceeding in which the officer is testifying or for which the officer is a party if the investigation resulted in a certain outcome; and generally relating to allegations against law enforcement officers.

- 10 BY repealing and reenacting, with amendments,
- 11 Article Public Safety
- 12 Section 3–110
- 13 Annotated Code of Maryland
- 14 (2003 Volume and 2008 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 16 MARYLAND, That the Laws of Maryland read as follows:

- 17 **Article – Public Safety** 18 3 - 110.19 On written request, a law enforcement officer may have expunged from (A) 20any file the record of a formal complaint made against the law enforcement officer if: 21(1)the law enforcement agency that investigated the complaint: (i) 221. exonerated the law enforcement officer of all charges
- 23 in the complaint; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.



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1 2 unfounded; or

- 2. determined that the charges were unsustained or
- 3 (ii) a hearing board acquitted the law enforcement officer, 4 dismissed the action, or made a finding of not guilty; and

5 (2) at least 3 years have passed since the final disposition by the law 6 enforcement agency or hearing board.

7 (B) AN ALLEGATION AGAINST A LAW ENFORCEMENT OFFICER, 8 INCLUDING THE EXISTENCE OF AN INVESTIGATION INTO AN ALLEGATION 9 AGAINST THE OFFICER AND THE CONTENT OF THE INVESTIGATION, IS NOT 10 DISCOVERABLE OR ADMISSIBLE IN A JUDICIAL PROCEEDING IN WHICH THE 11 OFFICER IS TESTIFYING OR TO WHICH THE OFFICER IS A PARTY IF THE 12 INVESTIGATION RESULTED IN AN OUTCOME LISTED IN SUBSECTION (A)(1)(I) OR 13 (II) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effectOctober 1, 2009.