

HOUSE BILL 120

E4
HB 950/09 – JUD

0lr0364
CF SB 629

By: **Delegates Kelly, Vallario, Dumais, Elmore, Frank, Jennings, Kramer, Schuler, Shank, Simmons, Smigiel, and Waldstreicher**

Introduced and read first time: January 18, 2010

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2010

CHAPTER _____

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 2009 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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 1. exonerated the law enforcement officer of all charges
2 in the complaint; or

3 2. determined that the charges were unsustained or
4 unfounded; or

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.