

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 629
Judicial Proceedings

(Senator Muse, *et al.*)

Judiciary

Law Enforcement Officers - Unsubstantiated Complaints - Admissibility

This bill specifies that, under the Law Enforcement Officers' Bill of Rights, evidence of a formal complaint against a law enforcement officer is not admissible in an administrative or judicial proceeding if the investigation resulted in an exoneration of the officer or an unsustained or unfounded finding or the hearing board acquitted the officer, dismissed the action, or made a not guilty finding.

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not substantively change State activities or operations. The extent to which the bill's changes may or may not affect the outcome in an administrative or judicial proceeding cannot be reliably predicted.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/ Background: The Law Enforcement Officers' Bill of Rights was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It does not extend to any correctional officers in the State.

Under the Law Enforcement Officers' Bill of Rights, a law enforcement officer is defined as an individual who, in an official capacity, is legally authorized to make arrests and is a member of:

- the Department of State Police;
- the Baltimore City Police Department;
- the Baltimore City School Police Force;
- the Baltimore City Watershed Police Force;
- the police department, bureau, or force of any county or municipality;
- the office of the sheriff of a county;
- the police department, bureau, or force of any bicounty agency;
- the Maryland Transportation Authority Police and the police forces of the Maryland Department of Transportation;
- the police forces of the Department of Natural Resources;
- the Field Enforcement Division of the Comptroller's Office;
- the Housing Authority of Baltimore City Police Force;
- the Crofton Police Department;
- the police force of the Department of Health and Mental Hygiene;
- the police force of the Department of General Services;
- the police force of the Department of Labor, Licensing, and Regulation;
- the office of the State Fire Marshal;
- the police forces of the University System of Maryland;
- the police force of Morgan State University;
- the Ocean Pines Police Department;
- the police force of the Baltimore City Community College; or
- the Hagerstown Community College Police Force.

Law enforcement officer does not include:

- an individual who serves at the pleasure of the Police Commissioner of Baltimore City;
- an individual who serves at the pleasure of the appointing authority of a charter county;
- the police chief of a municipality;
- an officer who is in probationary status on initial entry into the law enforcement agency except if the status results from an allegation of brutality in the execution of the officer's duties; or
- a fire and explosive investigator in Anne Arundel, Montgomery, Prince George's, or Worcester counties; or the cities of Annapolis and Hagerstown.

The evidence relating to matters covered under the bill is not now generally admissible.

Additional Information

Prior Introductions: HB 950 received a hearing in the House Judiciary Committee and had no further action taken on it.

Cross File: HB 120 (Delegate Kelly, *et al.*) - Judiciary.

Information Source(s): Anne Arundel, Garrett, Howard, and Montgomery counties; City of Frederick; Department of Health and Mental Hygiene; Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of Labor, Licensing, and Regulation; Department of State Police; Office of Administrative Hearings; Maryland Department of Transportation; University System of Maryland; Baltimore City Community College; Morgan State University; Department of General Services; Department of Natural Resources; Washington Suburban Sanitary Commission; Department of Legislative Services

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