

SENATE BILL 686

E4

4r1879
CF HB 598

By: **Senator Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Prosecutorial Disclosures –**
3 **Punitive Action**

4 FOR the purpose of prohibiting punitive action from being taken against a law
5 enforcement officer based solely on the fact that a prosecutorial agency
6 determined that it must disclose information about the law enforcement officer
7 to the defense under certain circumstances; specifying that this Act does not
8 limit a law enforcement agency from taking punitive action against a law
9 enforcement officer based on the underlying acts or omissions for which
10 information about the law enforcement officer was disclosed; providing for the
11 construction of this Act; and generally relating to prosecutorial disclosures and
12 the Law Enforcement Officers' Bill of Rights.

13 BY adding to

14 Article – Public Safety

15 Section 3–106.1

16 Annotated Code of Maryland

17 (2011 Replacement Volume and 2013 Supplement)

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

20 **Article – Public Safety**

21 **3–106.1.**

22 **(A) BASED SOLELY ON THE FACT THAT A PROSECUTORIAL AGENCY HAS**
23 **DETERMINED THAT IT SHALL DISCLOSE INFORMATION ABOUT A LAW**
24 **ENFORCEMENT OFFICER TO THE DEFENSE IN ACCORDANCE WITH MARYLAND**
25 **RULES 4–262(D) OR 4–263(D), THE LAW ENFORCEMENT OFFICER MAY NOT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 **(1) BE DEMOTED;**
2 **(2) BE DISMISSED;**
3 **(3) BE TRANSFERRED;**
4 **(4) LOSE PAY;**
5 **(5) BE REASSIGNED; OR**
6 **(6) FACE ANY OTHER SIMILAR ACTION THAT IS CONSIDERED**
7 **PUNITIVE.**

8 **(B) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT THE**
9 **ABILITY OF A LAW ENFORCEMENT AGENCY TO TAKE PUNITIVE ACTION AGAINST**
10 **A LAW ENFORCEMENT OFFICER BASED ON THE UNDERLYING ACTS OR**
11 **OMISSIONS FOR WHICH INFORMATION ABOUT THE LAW ENFORCEMENT OFFICER**
12 **WAS DISCLOSED TO THE DEFENSE IN ACCORDANCE WITH MARYLAND RULES**
13 **4-262(D) OR 4-263(D).**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.