

HB1016/938871/2

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1016
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “adding” in line 3 down through “officer:” in line 4 and substitute “prohibiting certain retaliatory action against a law enforcement officer who discloses certain information; prohibiting a law enforcement officer with knowledge of certain disclosures to undertake an independent investigation;”; in line 10, after “circumstances;” insert “authorizing the appointment to a certain hearing board a member of the public who has received certain training”; strike beginning with “altering” in line 13 down through “member:” in line 15; and in line 16, strike “, with a certain exception” and substitute “except under certain circumstances”.

On page 1 in line 20, and on page 2 in line 1, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 1 in line 23, on page 2 in lines 2, 3, 5, 7, 8, 11, 13, 14, and 29, and on page 3 in line 30, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 2, in line 1, after “Commission” insert “and the Correctional Training Commission”; in lines 9, 10, and 26, in each instance, strike “local”; strike beginning with “on” in line 15 down through “judges” in line 17 and substitute “on the Law Enforcement Officers’ Bill of Rights for certain citizens”; in line 21, strike “ensure that a certain incident report is filed by or on behalf of” and substitute “require”; in line 22, before “at” insert “to file a certain incident report”; in line 24, after “sites;” insert “authorizing a chief to prohibit certain posting of certain information under certain circumstances;”; in line 32, strike “Law Enforcement”; in lines 40 and 41, strike “a local law enforcement” and substitute “an”; and in lines 43 and 44, in each instance, strike “local law enforcement”.

(Over)

HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 2 of 14

On page 3, in line 1, strike “law enforcement”; strike beginning with “requiring” in line 1 down through “Fund;” in line 3; strike beginning with “prohibiting” in line 5 down through “actions;” in line 25 and substitute “allowing a subtraction modification under the State income tax for certain income earned by certain law enforcement officers in certain political subdivisions under certain circumstances; requiring the Maryland Police Training and Standards Commission on certain dates to certify to the Comptroller the political subdivisions in which the crime rate exceeds the State’s crime rate;”; and strike beginning with “providing” in line 30 down through “report;” in line 33 and substitute “declaring the intent of the General Assembly;”.

AMENDMENT NO. 2

On page 3, in line 37, after “2-201” insert “and 8-206(a)”; after line 39, insert:

“BY repealing and reenacting, without amendments,

Article - Correctional Services

Section 8-201(a) and (c)

Annotated Code of Maryland

(2008 Replacement Volume and 2015 Supplement)”;

and in line 42, strike “3-104(b), (c),” and substitute “3-103(d), 3-104(c)”.

On page 4, in lines 8 and 9, strike beginning with “3-801” in line 8 down through the semicolon in line 9; in line 9, strike “4-604” and substitute “4-603”; in line 10, strike “Law Enforcement”; and after line 28, insert:

“BY repealing and reenacting, without amendments,

Article - Tax - General

Section 10-207(a)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 3 of 14**

BY adding to

Article - Tax - General

Section 10-207(cc)

Annotated Code of Maryland

(2010 Replacement Volume and 2015 Supplement)”.

AMENDMENT NO. 3

On page 5, after line 13, insert:

“8-201.

(a) In this subtitle the following words have the meanings indicated.

(c) “Commission” means the Correctional Training Commission.

8-206.

(a) (1) With the approval of the [Secretary] GOVERNOR, the Commission shall appoint an Executive Director.

(2) The Executive Director shall perform general administrative functions.

(3) The Executive Director serves at the pleasure of the Commission.”.

AMENDMENT NO. 4

On page 5, after line 14, insert:

“3-103.

(d) (1) A law enforcement officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated

(Over)

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 4 of 14**

against in regard to the law enforcement officer's employment or be threatened with that treatment because the law enforcement officer:

[(1)] (I) has exercised or demanded the rights granted by this subtitle;
[or]

[(2)] (II) has lawfully exercised constitutional rights; OR

(III) HAS DISCLOSED INFORMATION THAT EVIDENCES:

- 1. GROSS MISMANAGEMENT;**
- 2. A GROSS WASTE OF GOVERNMENT RESOURCES;**
- 3. A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH OR SAFETY; OR**
- 4. A VIOLATION OF LAW COMMITTED BY ANOTHER LAW ENFORCEMENT OFFICER.**

(2) A LAW ENFORCEMENT OFFICER MAY NOT UNDERTAKE AN INDEPENDENT INVESTIGATION BASED ON KNOWLEDGE OF DISCLOSURES DESCRIBED IN PARAGRAPH (1)(III) OF THIS SUBSECTION.”;

and strike in their entirety lines 16 through 24, inclusive.

On page 6, in line 8, strike “AN UNALTERED” and substitute “A”; and in line 9, after “INCIDENT” insert “THAT, TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, IS UNALTERED”.

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 5 of 14**

On pages 7 through 9, strike in their entirety the lines beginning with line 13 on page 7 through line 23 on page 9, inclusive.

On page 9, after line 31, insert:

“(c) (1) Except as provided in paragraph [(4)] (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three VOTING members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CHIEF MAY APPOINT, AS A NONVOTING MEMBER OF THE HEARING BOARD, ONE MEMBER OF THE PUBLIC WHO HAS RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(II) IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND

(Over)

STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(4) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.

~~[(4)]~~ (5) (i) 1. A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS

COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND
MATTERS RELATING TO POLICE PROCEDURES.

(ii) A law enforcement officer may elect the alternative method of forming a hearing board if:

1. the law enforcement officer works in a law enforcement agency described in subparagraph (i) of this paragraph; and

2. the law enforcement officer is included in the collective bargaining unit.

(iii) The law enforcement agency shall notify the law enforcement officer in writing before a hearing board is formed that the law enforcement officer may elect an alternative method of forming a hearing board if one has been negotiated under this paragraph.

(iv) If the law enforcement officer elects the alternative method, that method shall be used to form the hearing board.

(v) An agency or exclusive collective bargaining representative may not require a law enforcement officer to elect an alternative method of forming a hearing board.

(vi) If the law enforcement officer has been offered summary punishment, an alternative method of forming a hearing board may not be used.

(vii) If authorized by local law, this paragraph is subject to binding arbitration.”.

On page 10, strike in their entirety lines 20 through 23, inclusive, and substitute:

(Over)

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 8 of 14**

“(e) (1) The hearing shall be:

(I) conducted by a hearing board; AND

(II) OPEN TO THE PUBLIC, UNLESS THE CHIEF FINDS A HEARING MUST BE CLOSED FOR GOOD CAUSE, INCLUDING TO PROTECT A CONFIDENTIAL INFORMANT, AN UNDERCOVER OFFICER, OR A CHILD WITNESS.”.

AMENDMENT NO. 5

On page 16, in lines 27 and 28, strike “**EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL LEAGUE**” and substitute “**PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.**”.

On page 17, strike in their entirety lines 1 through 3, inclusive, and substitute:

“(10) THE POLICE COMMISSIONER OF BALTIMORE CITY;

(11) THE PRESIDENT OF THE POLICE CHIEFS’ ASSOCIATION OF PRINCE GEORGE’S COUNTY;

(12) A REPRESENTATIVE FROM THE WOR-WIC PROGRAM ADVISORY COMMITTEE – CRIMINAL JUSTICE;”;

in lines 4, 6, and 8, strike “**(12)**”, “**(13)**”, and “**(14)**”, respectively, and substitute “**(13)**”, “**(14)**”, and “**(15)**”, respectively; in line 10, strike “**FIVE**” and substitute “**THREE**”; and in lines 11 and 12, strike “**RACIAL, GENDER, GEOGRAPHIC, AND OTHER FORMS OF DIVERSITY**” and substitute “**DIFFERENT GEOGRAPHIC AREAS OF THE STATE**”.

On page 18, in line 10, strike “**VOTING**”.

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 9 of 14**

On page 21, strike beginning with “**REVIEW**” in line 24 down through “**REGULATION,**” in line 25 and substitute “**ADOPT AND RECOMMEND**”; in line 29, strike “**MEDIA**”; and in line 32, strike the colon.

On page 22, in line 1, strike “**(I)**”; in line 2, strike “**HAS BEEN**” and substitute “**WAS ACTIVELY**”; in the same line, strike “**A TRAUMATIC**” and substitute “**AN**”; in the same line, after “**INCIDENT**” insert “**WHEN ANOTHER PERSON WAS SERIOUSLY INJURED OR KILLED AS A RESULT OF AN ACCIDENT OR A SHOOTING**”; strike in their entirety lines 4 through 6, inclusive; in lines 12 and 13, strike “**INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM,**”; in line 17, after “**SUMMARY**” insert “**, EXCLUDING THE NAMES OF OFFICERS AND OTHER INVOLVED PARTIES,**”; and strike beginning with the comma in line 29 down through the comma in line 30.

On page 23, in line 18, after “**(II)**” insert “**REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION, INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS, TO AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;**”; in line 21, before “**REQUIRE**” insert “**(III)**”; in the same line, strike “**, IF THE COMPLAINANT IS IDENTIFIED,**”; in the same line, strike “**THE**” and substitute “**A**”; in line 23, after “**COMPLAINT**” insert “**AND ANY DISCIPLINE IMPOSED AS A RESULT**”; in line 24, strike “**(III)**” and substitute “**(IV)**”; in line 27, before “**MATTERS**” insert “**THE LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS AND**”; in lines 28 and 29, strike “**AND ADMINISTRATIVE LAW JUDGES**”; and in line 29, before “**QUALIFY**” insert “**INTEND TO**”.

On page 23 in line 7, and on page 25 in lines 22, 25, 26, and 29, in each instance, strike “**LOCAL**”.

(Over)

**HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 10 of 14**

On page 24, in line 14, strike "LICENSED"; strike beginning with "ENSURE" in line 27 down through "OF" in line 28 and substitute "REQUIRE"; and in line 30, before "BY" insert "TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE".

On page 25, in line 2, strike "EACH" and substitute "(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH"; after line 8, insert:

"(B) A CHIEF MAY PROHIBIT THE POSTING UNDER THIS SECTION OF ADMINISTRATIVE OR OPERATIONAL POLICIES THAT IF DISCLOSED WOULD JEOPARDIZE OPERATIONS OR CREATE A RISK TO PUBLIC OR OFFICER SAFETY, INCLUDING POLICIES RELATED TO HIGH-RISK PRISONER TRANSPORT SECURITY MEASURES, OPERATIONAL RESPONSE TO ACTIVE SHOOTERS, OR THE USE OF CONFIDENTIAL INFORMANTS."

strike beginning with "IN" in line 17 down through "(B)" in line 22; and in line 25, strike "(C)" and substitute "(B)".

On page 26, in lines 7 and 8, strike ", INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM".

AMENDMENT NO. 6

On page 26, in line 23, after "MEANS" insert ":

(1);

in lines 25, 27, and 29, strike "(1)", "(2)", and "(3)", respectively, and substitute "(I)", "(II)", and "(III)", respectively; and in line 29, after "COMMUNITY" insert "; OR

(2) A VIOLENCE INTERVENTION PROGRAM ESTABLISHED AND SUPPORTED BY A LOCAL LAW ENFORCEMENT AGENCY OR ANOTHER AGENCY OF A LOCAL GOVERNMENT".

On page 26 in line 19, and on page 27 in lines 3 and 8, in each instance, strike "LAW ENFORCEMENT".

On page 26 in line 23, and on page 27 in line 10, in each instance, strike "LAW ENFORCEMENT".

On page 27, in line 9, after "ASSIST" insert ":

(1)";

and in line 10, after "PROGRAMS" insert "**;** AND

(2) AGENCIES OF A LOCAL GOVERNMENT IN ESTABLISHING VIOLENCE INTERVENTION PROGRAMS".

On page 28, in lines 7 and 24, in each instance, strike "LOCAL LAW ENFORCEMENT"; in line 8, strike "A LOCAL LAW ENFORCEMENT" and substitute "**AN**"; in lines 11, 13, 14 and 15, 22, 26, and 28 and 29, in each instance, strike "LAW ENFORCEMENT"; in line 19, after the first "TO" insert ":

(1)";

in the same line, strike the second "LAW"; in line 20, strike "ENFORCEMENT"; and in the same line, after "PROGRAMS" insert "**;** AND

(Over)

(II) AGENCIES OF A LOCAL GOVERNMENT TO SUPPORT VIOLENCE INTERVENTION PROGRAMS.

On page 29, in lines 3 and 6, in each instance, strike “LAW ENFORCEMENT”; strike in their entirety lines 7 through 11, inclusive; and in line 25, strike “LAW ENFORCEMENT”.

AMENDMENT NO. 7

On page 29, after line 28, insert:

“Article – Tax – General

10–207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(CC) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201 OF THE PUBLIC SAFETY ARTICLE.

(III) “LAW ENFORCEMENT OFFICER” MEANS AN INDIVIDUAL WHO:

1. IN AN OFFICIAL CAPACITY IS AUTHORIZED BY LAW TO MAKE ARRESTS; AND

2. IS A MEMBER OF A LAW ENFORCEMENT AGENCY, INCLUDING A LAW ENFORCEMENT OFFICER WHO SERVES IN A PROBATIONARY STATUS OR AT THE PLEASURE OF THE APPOINTING AUTHORITY OF A COUNTY OR MUNICIPAL CORPORATION.

(IV) "MARYLAND POLICE TRAINING AND STANDARDS COMMISSION" MEANS THE UNIT ESTABLISHED UNDER § 3-202 OF THE PUBLIC SAFETY ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE FIRST \$5,000 OF INCOME EARNED BY A LAW ENFORCEMENT OFFICER IF:

(I) THE LAW ENFORCEMENT OFFICER RESIDES IN THE POLITICAL SUBDIVISION IN WHICH THE LAW ENFORCEMENT OFFICER IS EMPLOYED; AND

(II) THE CRIME RATE IN THE POLITICAL SUBDIVISION EXCEEDS THE STATE'S CRIME RATE.

(3) ON OR BEFORE SEPTEMBER 1, 2016, AND EVERY 3 YEARS THEREAFTER, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL CERTIFY TO THE COMPTROLLER THE POLITICAL SUBDIVISIONS IN WHICH THE CRIME RATE EXCEEDS THE STATE'S CRIME RATE."

On pages 29 through 34, strike in their entirety the lines beginning with line 29 on page 29 through line 1 on page 34, inclusive.

AMENDMENT NO. 8

(Over)

HB1016/938871/2 Judicial Proceedings Committee
Amendments to HB 1016
Page 14 of 14

On page 34, strike beginning with “Section” in line 23 down through “Act” in line 25 and substitute “it is the intent of the General Assembly that, to the extent possible, the Maryland Police Training and Standards Commission and the Correctional Training Commission shall continue to share training and support staff”; strike beginning with “the” in line 26 down through “2018” in line 30 and substitute “Section 2 of this Act shall be applicable to all taxable years beginning after December 31, 2015”; in line 31, after “That” insert “Section 1 of”; and after line 32, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Section 9 of this Act, this Act shall take effect July 1, 2016.”.