

# HOUSE BILL 1016

E4, E2

(6lr2035)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **The Speaker (By Request – Workgroup on Public Safety and Policing)** and Delegates **Anderson, Atterbeary, Clippinger, Folden, Hayes, Jackson, Oaks, Pena–Melnyk, B. Wilson, and C. Wilson**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Public Safety and Policing Workgroup – Recommendations**

3 FOR the purpose of ~~adding to the individuals who may be a certain investigating officer or~~  
4 ~~interrogating officer;~~ prohibiting certain retaliatory action against a law enforcement  
5 officer who discloses certain information; prohibiting a law enforcement officer with  
6 knowledge of certain disclosures to undertake an independent investigation; requiring  
7 a certain complaint against a law enforcement officer to be signed under the penalty  
8 of perjury instead of before an official authorized to administer oaths; authorizing an  
9 individual who has a certain video recording to file a certain complaint against a law  
10 enforcement officer; altering the time period within which a certain complaint  
11 against a law enforcement officer may be filed; altering the number of days that a  
12 certain interrogation shall be suspended under certain circumstances; authorizing  
13 the appointment to a certain hearing board a member of the public who has received

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 ~~certain training~~ authorizing the appointment to a certain hearing board of a member  
2 of the public who has received certain training; requiring that, in the case of a  
3 complaint alleging brutality, a certain hearing board consist of certain members,  
4 chosen from a certain pool of law enforcement officers in a certain manner; ~~altering~~  
5 ~~the membership of a certain hearing board; requiring a hearing board formed in a~~  
6 ~~certain manner to include a certain member;~~ requiring that a certain hearing be open  
7 to the public, ~~with a certain exception~~ *except under certain circumstances*; ~~removing~~  
8 ~~the Police Training Commission from the Department of Public Safety and~~  
9 ~~Correctional Services to become an independent unit in the Executive Department;~~  
10 renaming the Police Training Commission the Maryland Police Training and  
11 Standards Commission; ~~establishing the~~ *Maryland Police Training and Standards*  
12 *Commission* as an independent commission that functions in the Department of  
13 Public Safety and Correctional Services; repealing certain authority of the Secretary  
14 of Public Safety and Correctional Services; altering the composition of the *Maryland*  
15 *Police Training and Standards* Commission; requiring the election of a chair of the  
16 *Maryland Police Training and Standards* Commission; ~~requiring the~~ *Maryland*  
17 *Police Training and Standards* ~~Commission~~ ~~and the Correctional Training~~  
18 ~~Commission~~ to appoint an executive director with the approval of the Governor,  
19 rather than the Secretary; altering the powers and duties of the *Maryland Police*  
20 *Training and Standards* Commission; requiring the *Maryland Police Training and*  
21 *Standards* Commission to develop a certain reporting system by which certain law  
22 enforcement agencies shall report certain serious incidents and officer disciplinary  
23 actions; requiring the *Maryland Police Training and Standards* Commission, in  
24 consultation with the Department of Health and Mental Hygiene, to develop a  
25 certain hotline for certain purposes; requiring the *Maryland Police Training and*  
26 *Standards* Commission to establish a certain police complaint mediation program;  
27 requiring the *Maryland Police Training and Standards* Commission to develop best  
28 practices for the establishment and implementation of certain community policing  
29 programs and to develop a system by which each ~~local~~ *local* law enforcement agency  
30 annually files a certain description of the ~~local~~ *local* law enforcement agency's  
31 community policing program; requiring the *Maryland Police Training and*  
32 *Standards* Commission to review certain community policing programs and provide  
33 certain feedback regarding the programs; requiring the *Maryland Police Training*  
34 *and Standards* Commission to develop a certain uniform citizen complaint process;  
35 requiring the *Maryland Police Training and Standards* Commission to develop and  
36 administer a training program ~~on the Law Enforcement Officers' Bill of Rights for~~  
37 ~~certain citizens on matters relating to police procedures for certain citizens and~~  
38 ~~administrative law judges~~ *on the Law Enforcement Officers' Bill of Rights for certain*  
39 *citizens*; adding the submission to a certain psychological evaluation to the  
40 requirements for certification as a police officer; ~~prohibiting a law enforcement~~  
41 ~~agency from requiring a certain individual to undergo certain additional training~~  
42 ~~under certain circumstances;~~ requiring each law enforcement agency to ~~require~~  
43 ~~ensure that a certain incident report is filed by or on behalf of~~ *require* a certain law  
44 enforcement officer ~~to file a certain incident report~~ *to file a certain incident report* at  
45 a certain time, with a certain exception; requiring each law enforcement agency to  
46 post certain policies and collective bargaining agreements on certain Web sites;  
47 *authorizing a chief to prohibit certain posting of certain information under certain*

1 *circumstances*; requiring each law enforcement agency to establish a certain policy  
2 for counseling certain officers; requiring each ~~local~~ *local* law enforcement agency to  
3 adopt a certain community policing program and to post and file certain information  
4 about the program in a certain manner; requiring each law enforcement agency to  
5 annually report certain information to the *Maryland Police Training and Standards*  
6 Commission regarding certain officer-involved incidents and officer discipline;  
7 requiring each law enforcement agency to adopt a certain uniform complaint process  
8 and post a certain complaint process on its Web site under certain circumstances;  
9 establishing the Community ~~Law Enforcement~~ Program Fund as a special,  
10 nonlapsing fund; specifying the purpose of the Fund; requiring the Executive  
11 Director of the Governor's Office of Crime Control and Prevention to administer the  
12 Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account  
13 for the Fund; specifying the contents of the Fund; requiring the Governor each fiscal  
14 year to include in the annual budget bill an appropriation of a certain amount to the  
15 Fund; specifying the purpose for which the Fund may be used; providing for the  
16 investment of money in and expenditures from the Fund; requiring the Executive  
17 Director to establish a certain application procedure; requiring ~~a local law~~  
18 ~~enforcement~~ *an* agency that makes a certain application to provide the Executive  
19 Director with certain information; requiring the Executive Director to make certain  
20 grants to certain ~~local law enforcement~~ agencies in a certain manner; requiring ~~local~~  
21 ~~law enforcement~~ agencies to submit certain proof to the Executive Director;  
22 providing that money distributed from the Fund is to supplement and not supplant  
23 any other funding; requiring the Governor's Office of Crime Control and Prevention  
24 and the Maryland Police Training and Standards Commission to provide certain  
25 technical assistance to certain ~~law enforcement~~ agencies; ~~requiring the Executive~~  
26 ~~Director to report to the General Assembly on or before a certain date on the~~  
27 ~~distribution of money from the Fund~~; exempting the Fund from a certain provision  
28 of law requiring interest on State money in special funds to accrue to the General  
29 Fund of the State; ~~prohibiting a supervisor, an appointing authority, and the head~~  
30 ~~of a certain law enforcement agency from threatening or taking certain retaliatory~~  
31 ~~actions against a certain law enforcement officer who discloses certain information~~  
32 ~~or seeks a certain remedy~~; ~~providing that certain protections apply to certain~~  
33 ~~disclosures only under certain circumstances~~; ~~requiring a law enforcement agency to~~  
34 ~~provide certain law enforcement officers a copy of a certain subtitle under certain~~  
35 ~~circumstances~~; ~~authorizing a certain law enforcement officer to file a civil action~~  
36 ~~against a certain law enforcement agency for certain relief under certain~~  
37 ~~circumstances~~; ~~authorizing the law enforcement officer to seek certain statutory~~  
38 ~~damages instead of certain relief~~; ~~providing that, under certain circumstances, the~~  
39 ~~law enforcement agency has the burden of proving by clear and convincing evidence~~  
40 ~~that certain personnel actions would have occurred despite a certain disclosure~~;  
41 ~~requiring the trier of fact to consider certain factors in awarding certain statutory~~  
42 ~~damages~~; ~~authorizing the court to award certain relief and damages to the law~~  
43 ~~enforcement officer under certain circumstances~~; ~~requiring the court to issue a~~  
44 ~~certain injunction under certain circumstances~~; ~~authorizing a court to award certain~~  
45 ~~attorney's fees and litigation expenses to a law enforcement agency under certain~~  
46 ~~circumstances~~; ~~providing that this Act may not be construed to diminish certain~~  
47 ~~rights, privileges, or remedies~~; ~~requiring the Attorney General to take certain actions~~

1 ~~for certain purposes; providing that this Act does not preclude certain actions or~~  
 2 ~~prohibit certain personnel actions; allowing a subtraction modification under the~~  
 3 ~~State income tax for certain income earned by certain law enforcement officers in~~  
 4 ~~certain political subdivisions under certain circumstances; requiring the Maryland~~  
 5 ~~Police Training and Standards Commission on certain dates to certify to the~~  
 6 ~~Comptroller the political subdivisions in which the crime rate exceeds the State's~~  
 7 ~~crime rate;~~ providing for the continuity of the terms of office of certain appointed or  
 8 elected persons; providing for the continuity of certain transactions, rights, duties,  
 9 titles, and interests; providing for the continuity of the status of certain rules,  
 10 regulations, and other associated duties and responsibilities affected by this Act;  
 11 providing for the continuity of certain persons and schools certified by the Maryland  
 12 Police Training and Standards Commission; ~~providing for the application of this Act;~~  
 13 ~~requiring the Governor's Office of Crime Control and Prevention to conduct a certain~~  
 14 ~~study relating to best practices for the composition of law enforcement disciplinary~~  
 15 ~~hearing boards and submit a certain report;~~ declaring the intent of the General  
 16 Assembly; defining certain terms; making conforming changes; and generally  
 17 relating to public safety and policing.

18 BY repealing and reenacting, with amendments,

19 Article – Correctional Services

20 Section 2-201 ~~and 8-206(a)~~

21 Annotated Code of Maryland

22 (2008 Replacement Volume and 2015 Supplement)

23 ~~BY repealing and reenacting, without amendments,~~

24 ~~Article – Correctional Services~~

25 ~~Section 8-201(a) and (c)~~

26 ~~Annotated Code of Maryland~~

27 ~~(2008 Replacement Volume and 2015 Supplement)~~

28 BY repealing and reenacting, with amendments,

29 Article – Public Safety

30 Section ~~3-104(e) 3-104(b), (c), 3-103(d), 3-104(c)~~ and (j), 3-107, 3-201, 3-202, 3-204,

31 and 3-206 through 3-209

32 Annotated Code of Maryland

33 (2011 Replacement Volume and 2015 Supplement)

34 BY repealing

35 Article – Public Safety

36 Section 3-203

37 Annotated Code of Maryland

38 (2011 Replacement Volume and 2015 Supplement)

39 BY adding to

40 Article – Public Safety

41 Section 3-203 and 3-514 through 3-519; ~~3-801 through 3-806 to be under the new~~

42 ~~subtitle “Subtitle 8. Whistleblower Protections”;~~ and 4-601 through 4-604

1 ~~4-603~~ to be under the new subtitle “Subtitle 6. Community Law Enforcement  
 2 Program Fund”  
 3 Annotated Code of Maryland  
 4 (2011 Replacement Volume and 2015 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – State Finance and Procurement  
 7 Section 6–226(a)(2)(i)  
 8 Annotated Code of Maryland  
 9 (2015 Replacement Volume)

10 BY repealing and reenacting, with amendments,  
 11 Article – State Finance and Procurement  
 12 Section 6–226(a)(2)(ii)84. and 85.  
 13 Annotated Code of Maryland  
 14 (2015 Replacement Volume)

15 BY adding to  
 16 Article – State Finance and Procurement  
 17 Section 6–226(a)(2)(ii)86.  
 18 Annotated Code of Maryland  
 19 (2015 Replacement Volume)

20 BY repealing and reenacting, without amendments,  
 21 Article – Tax – General  
 22 Section 10–207(a)  
 23 Annotated Code of Maryland  
 24 (2010 Replacement Volume and 2015 Supplement)

25 BY adding to  
 26 Article – Tax – General  
 27 Section 10–207(cc)  
 28 Annotated Code of Maryland  
 29 (2010 Replacement Volume and 2015 Supplement)

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

### 32 Article – Correctional Services

33 2–201.

34 The following units are in the Department:

35 (1) the Division of Correction;

36 (2) the Division of Parole and Probation;

- 1 (3) the Division of Pretrial Detention and Services;
- 2 (4) the Patuxent Institution;
- 3 (5) the Board of Review for Patuxent Institution;
- 4 (6) the Maryland Commission on Correctional Standards;
- 5 (7) the Correctional Training Commission;
- 6 (8) ~~the~~ MARYLAND Police Training AND STANDARDS Commission;
- 7 (9)~~]~~ the Maryland Parole Commission;
- 8 ~~[(10)] (9)~~ the Criminal Injuries Compensation Board;
- 9 ~~[(11)] (10)~~ the Emergency Number Systems Board;
- 10 ~~[(12)] (11)~~ the Sundry Claims Board;
- 11 ~~[(13)] (12)~~ the Inmate Grievance Office; and
- 12 ~~[(14)] (13)~~ any other unit that by law is declared to be part of the  
13 Department.

14 ~~§ 201.~~

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

16 ~~(c) "Commission" means the Correctional Training Commission.~~

17 ~~§ 206.~~

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

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

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

22 **Article – Public Safety**

23 3-103.

1 (d) (1) A law enforcement officer may not be discharged, disciplined, demoted,  
 2 or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard  
 3 to the law enforcement officer's employment or be threatened with that treatment because the  
 4 law enforcement officer:

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

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

7 ~~(III) HAS DISCLOSED INFORMATION THAT EVIDENCES:~~

8 ~~1. GROSS MISMANAGEMENT;~~

9 ~~2. A GROSS WASTE OF GOVERNMENT RESOURCES;~~

10 ~~3. A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC~~  
 11 ~~HEALTH OR SAFETY; OR~~

12 ~~4. A VIOLATION OF LAW COMMITTED BY ANOTHER LAW~~  
 13 ~~ENFORCEMENT OFFICER.~~

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

17 3-104.

18 ~~(b) For purposes of this section, the investigating officer or interrogating officer~~  
 19 ~~shall be:~~

20 ~~(1) a sworn law enforcement officer; [or]~~

21 ~~(2) if requested by the Governor, the Attorney General or Attorney~~  
 22 ~~General's designee;~~

23 ~~(3) A REPRESENTATIVE OR EMPLOYEE OF A LAW ENFORCEMENT~~  
 24 ~~AGENCY; OR~~

25 ~~(4) A REPRESENTATIVE OF A CIVILIAN REVIEW BOARD ESTABLISHED~~  
 26 ~~UNDER STATE OR LOCAL LAW.~~

27 (c) (1) A complaint against a law enforcement officer that alleges brutality in  
 28 the execution of the law enforcement officer's duties may not be investigated unless the  
 29 complaint is SIGNED AND sworn to, [before an official authorized to administer oaths]  
 30 UNDER PENALTY OF PERJURY, by:

- 1 (i) the aggrieved individual;
- 2 (ii) a member of the aggrieved individual's immediate family;
- 3 (iii) an individual with firsthand knowledge obtained because the  
4 individual:

- 5 1. was present at and observed the alleged incident; **OR**
- 6 2. ~~HAS A AN UNALTERED~~ **A VIDEO RECORDING OF THE**  
7 **INCIDENT THAT, TO THE BEST OF THE INDIVIDUAL'S KNOWLEDGE, IS UNALTERED**; or
- 8 (iv) the parent or guardian of the minor child, if the alleged incident  
9 involves a minor child.

10 (2) Unless a complaint is filed within [90] **366** days after the alleged  
11 brutality, an investigation that may lead to disciplinary action under this subtitle for  
12 brutality may not be initiated and an action may not be taken.

13 (j) (1) (i) On request, the law enforcement officer under interrogation has  
14 the right to be represented by counsel or another responsible representative of the law  
15 enforcement officer's choice who shall be present and available for consultation at all times  
16 during the interrogation.

17 (ii) The law enforcement officer may waive the right described in  
18 subparagraph (i) of this paragraph.

19 (2) (i) The interrogation shall be suspended for a period not exceeding  
20 [10] **5 BUSINESS** days until representation is obtained.

21 (ii) Within that [10-day] ~~5-DAY~~ **5 BUSINESS DAY** period, the chief  
22 for good cause shown may extend the period for obtaining representation.

23 (3) During the interrogation, the law enforcement officer's counsel or  
24 representative may:

25 (i) request a recess at any time to consult with the law enforcement  
26 officer;

27 (ii) object to any question posed; and

28 (iii) state on the record outside the presence of the law enforcement  
29 officer the reason for the objection.



1 (a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of  
2 this subtitle, if the investigation or interrogation of a law enforcement officer results in a  
3 recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar  
4 action that is considered punitive, the law enforcement officer is entitled to a hearing on  
5 the issues by a hearing board before the law enforcement agency takes that action.

6 (2) A law enforcement officer who has been convicted of a felony is not  
7 entitled to a hearing under this section.

8 (b) (1) The law enforcement agency shall give notice to the law enforcement  
9 officer of the right to a hearing by a hearing board under this section.

10 (2) The notice required under this subsection shall state the time and place  
11 of the hearing and the issues involved.

12 ~~(c) (1) Except as provided in [paragraph (4)] PARAGRAPHS (4) AND (5) of~~  
13 ~~this subsection and in § 3-111 of this subtitle, the hearing board authorized under this~~  
14 ~~section shall consist of at least three members who:~~

15 ~~(i) are appointed by the chief and chosen from law enforcement~~  
16 ~~officers within that law enforcement agency, [or from] law enforcement officers of another~~  
17 ~~law enforcement agency with the approval of the chief of the other agency, OR MEMBERS~~  
18 ~~OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND~~  
19 ~~POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT~~  
20 ~~OFFICERS' BILL OF RIGHTS; and~~

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

23 ~~(2) At least one member of the hearing board shall be A LAW~~  
24 ~~ENFORCEMENT OFFICER of the same rank as the law enforcement officer against whom~~  
25 ~~the complaint is filed THE FOLLOWING FOUR MEMBERS, WHO ARE APPOINTED BY THE~~  
26 ~~CHIEF AND HAVE HAD NO PART IN THE INVESTIGATION OR INTERROGATION OF THE~~  
27 ~~LAW ENFORCEMENT OFFICER:~~

28 ~~(I) A LAW ENFORCEMENT OFFICER OF THE SAME RANK AS THE~~  
29 ~~LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED, CHOSEN~~  
30 ~~FROM LAW ENFORCEMENT OFFICERS WITHIN THAT LAW ENFORCEMENT AGENCY OR~~  
31 ~~FROM LAW ENFORCEMENT OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY~~  
32 ~~WITH THE APPROVAL OF THE CHIEF OF THE OTHER AGENCY;~~

33 ~~(II) ANOTHER LAW ENFORCEMENT OFFICER, CHOSEN FROM~~  
34 ~~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;~~

~~(iii) 1. AN ADMINISTRATIVE LAW JUDGE WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES; OR~~

~~2. A RETIRED JUDGE; AND~~

~~(iv) A CITIZEN WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES.~~

~~(2) THE CITIZEN MEMBER OF THE HEARING BOARD SHALL SERVE IN AN ADVISORY CAPACITY AND MAY NOT VOTE, BUT MAY PARTICIPATE IN ALL DELIBERATIONS OF THE HEARING BOARD.~~

~~(3) (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) (i) 1. A SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, 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 SHALL INCLUDE A CITIZEN MEMBER WHO HAS RECEIVED TRAINING FROM THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION IN MATTERS RELATING TO POLICE PROCEDURES AND WHO SHALL SERVE IN AN ADVISORY~~

~~CAPACITY AND MAY NOT VOTE BUT MAY PARTICIPATE IN ALL DELIBERATIONS OF  
THE HEARING BOARD.~~

~~(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.~~

~~(5) IN THE CASE OF A COMPLAINT ALLEGING BRUTALITY, THE HEARING BOARD AUTHORIZED UNDER THIS SECTION SHALL CONSIST OF THREE MEMBERS, SELECTED FROM A POOL OF LAW ENFORCEMENT OFFICERS OF ANOTHER LAW ENFORCEMENT AGENCY:~~

~~(I) ONE OF WHOM IS CHOSEN BY THE CHIEF;~~

~~(II) ONE OF WHOM IS CHOSEN BY THE LAW ENFORCEMENT OFFICER AGAINST WHOM THE COMPLAINT IS FILED; AND~~

~~(III) ONE OF WHOM IS MUTUALLY AGREED ON.~~

*(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:*

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

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

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

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

14 (II) IF AUTHORIZED BY LOCAL LAW, A HEARING BOARD FORMED  
15 UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR  
16 NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED TRAINING  
17 ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS  
18 COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND  
19 MATTERS RELATING TO POLICE PROCEDURES.

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

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

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

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

34 [(4)] (5) (i) 1. A law enforcement agency or the agency's superior  
35 governmental authority that has recognized and certified an exclusive collective bargaining  
36 representative may negotiate with the representative an alternative method of forming a  
37 hearing board.

1                                    **2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH**  
2 **MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC,**  
3 **APPOINTED BY THE CHIEF, WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE**  
4 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW**  
5 **ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE**  
6 **PROCEDURES.**

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

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

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

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

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

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

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

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

26                    (d)    (1)    In connection with a disciplinary hearing, the chief or hearing board  
27 may issue subpoenas to compel the attendance and testimony of witnesses and the  
28 production of books, papers, records, and documents as relevant or necessary.

29                    (2)    The subpoenas may be served without cost in accordance with the  
30 Maryland Rules that relate to service of process issued by a court.

31                    (3)    Each party may request the chief or hearing board to issue a subpoena  
32 or order under this subtitle.

1 (4) In case of disobedience or refusal to obey a subpoena served under this  
 2 subsection, the chief or hearing board may apply without cost to the circuit court of a county  
 3 where the subpoenaed party resides or conducts business, for an order to compel the  
 4 attendance and testimony of the witness or the production of the books, papers, records,  
 5 and documents.

6 (5) On a finding that the attendance and testimony of the witness or the  
 7 production of the books, papers, records, and documents is relevant or necessary:

8 (i) the court may issue without cost an order that requires the  
 9 attendance and testimony of witnesses or the production of books, papers, records, and  
 10 documents; and

11 (ii) failure to obey the order may be punished by the court as  
 12 contempt.

13 ~~(c) (1) The **UNLESS THE CHIEF DETERMINES AND PROVIDES NOTICE**~~  
 14 ~~**THAT A HEARING SHOULD BE CLOSED TO PROTECT THE IDENTITY OR SAFETY OF A**~~  
 15 ~~**WITNESS OR AN UNDERCOVER LAW ENFORCEMENT OFFICER, THE** hearing shall be~~  
 16 ~~conducted by a hearing board **AND BE OPEN TO THE PUBLIC.**~~

17 (e) (1) The hearing shall be:

18 (I) conducted by a hearing board; AND

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

22 (2) The hearing board shall give the law enforcement agency and law  
 23 enforcement officer ample opportunity to present evidence and argument about the issues  
 24 involved.

25 (3) The law enforcement agency and law enforcement officer may be  
 26 represented by counsel.

27 (4) Each party has the right to cross-examine witnesses who testify and  
 28 each party may submit rebuttal evidence.

29 (f) (1) Evidence with probative value that is commonly accepted by reasonable  
 30 and prudent individuals in the conduct of their affairs is admissible and shall be given  
 31 probative effect.

32 (2) The hearing board shall give effect to the rules of privilege recognized  
 33 by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious  
 34 evidence.

1                   (3) Each record or document that a party desires to use shall be offered and  
2 made a part of the record.

3                   (4) Documentary evidence may be received in the form of copies or excerpts,  
4 or by incorporation by reference.

5           (g)   (1) The hearing board may take notice of:

6                   (i) judicially cognizable facts; and

7                   (ii) general, technical, or scientific facts within its specialized  
8 knowledge.

9           (2) The hearing board shall:

10                   (i) notify each party of the facts so noticed either before or during  
11 the hearing, or by reference in preliminary reports or otherwise; and

12                   (ii) give each party an opportunity and reasonable time to contest  
13 the facts so noticed.

14                   (3) The hearing board may utilize its experience, technical competence, and  
15 specialized knowledge in the evaluation of the evidence presented.

16           (h)   (1) With respect to the subject of a hearing conducted under this subtitle,  
17 the chief shall administer oaths or affirmations and examine individuals under oath.

18                   (2) In connection with a disciplinary hearing, the chief or a hearing board  
19 may administer oaths.

20           (i)   (1) Witness fees and mileage, if claimed, shall be allowed the same as for  
21 testimony in a circuit court.

22                   (2) Witness fees, mileage, and the actual expenses necessarily incurred in  
23 securing the attendance of witnesses and their testimony shall be itemized and paid by the  
24 law enforcement agency.

25           (j)   An official record, including testimony and exhibits, shall be kept of the  
26 hearing.

27 3–201.

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

29           (b) “Commission” means the **MARYLAND Police Training AND STANDARDS**  
30 Commission.

1 (c) ~~¶~~“Department” means the Department of Public Safety and Correctional  
2 Services.

3 (d)~~¶~~ (1) “Law enforcement agency” means a governmental police force, sheriff’s  
4 office, or security force or law enforcement organization of the State, a county, or a  
5 municipal corporation that by statute, ordinance, or common law is authorized to enforce  
6 the general criminal laws of the State.

7 (2) “Law enforcement agency” does not include members of the Maryland  
8 National Guard who:

9 (i) are under the control and jurisdiction of the Military  
10 Department;

11 (ii) are assigned to the military property designated as the Glenn L.  
12 Martin State Airport; and

13 (iii) are charged with exercising police powers in and for the Glenn L.  
14 Martin State Airport.

15 ~~¶(e) ¶(D)~~ (1) “Police officer” means an individual who:

16 (i) is authorized to enforce the general criminal laws of the State;  
17 and

18 (ii) is a member of one of the following law enforcement agencies:

19 1. the Department of State Police;

20 2. the Police Department of Baltimore City;

21 3. the police department, bureau, or force of a county;

22 4. the police department, bureau, or force of a municipal  
23 corporation;

24 5. the Maryland Transit Administration police force;

25 6. the Maryland Transportation Authority Police;

26 7. the police forces of the University System of Maryland;

27 8. the police force of Morgan State University;

28 9. the office of the sheriff of a county;



- 1                                    10.    the police forces of the Department of Natural Resources;
- 2                                    11.    the police force of the Maryland Capitol Police of the
- 3 Department of General Services;
- 4                                    12.    the police force of a State, county, or municipal corporation
- 5 if the special police officers are appointed under Subtitle 3 of this title;
- 6                                    13.    the Housing Authority of Baltimore City Police Force;
- 7                                    14.    the Baltimore City School Police Force;
- 8                                    15.    the Crofton Police Department;
- 9                                    16.    the police force of the Department of Labor, Licensing, and
- 10 Regulation;
- 11                                    17.    the Washington Suburban Sanitary Commission Police
- 12 Force;
- 13                                    18.    the Ocean Pines Police Department;
- 14                                    19.    the police force of the Baltimore City Community College;
- 15                                    20.    the police force of the Hagerstown Community College;
- 16                                    21.    the parole and probation employees of the Warrant
- 17 Apprehension Unit of the Division of Parole and Probation in the Department who are
- 18 authorized to make arrests; or
- 19                                    22.    the police force of the Anne Arundel Community College.

- 20                    (2)    “Police officer” includes:
- 21                    (i)    a member of the Field Enforcement Bureau of the Comptroller’s
- 22 Office;
- 23                    (ii)   the State Fire Marshal or a deputy State fire marshal;
- 24                    (iii)  an investigator of the Intelligence and Investigative Division of
- 25 the Department;
- 26                    (iv)  a Montgomery County fire and explosive investigator as defined
- 27 in § 2–208.1 of the Criminal Procedure Article;

1 (v) an Anne Arundel County or City of Annapolis fire and explosive  
2 investigator as defined in § 2–208.2 of the Criminal Procedure Article;

3 (vi) a Prince George’s County fire and explosive investigator as  
4 defined in § 2–208.3 of the Criminal Procedure Article;

5 (vii) a Worcester County fire and explosive investigator as defined in  
6 § 2–208.4 of the Criminal Procedure Article; and

7 (viii) a City of Hagerstown fire and explosive investigator as defined  
8 in § 2–208.5 of the Criminal Procedure Article.

9 (3) “Police officer” does not include:

10 (i) an individual who serves as a police officer only because the  
11 individual occupies another office or position;

12 (ii) a sheriff, the Secretary of State Police, a commissioner of police,  
13 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of  
14 police, or another individual with an equivalent title who is appointed or employed by a  
15 government to exercise equivalent supervisory authority; or

16 (iii) a member of the Maryland National Guard who:

17 1. is under the control and jurisdiction of the Military  
18 Department;

19 2. is assigned to the military property designated as the  
20 Glenn L. Martin State Airport; and

21 3. is charged with exercising police powers in and for the  
22 Glenn L. Martin State Airport.

23 [(f) “Secretary” means the Secretary of Public Safety and Correctional Services.]

24 3–202.

25 There is a **MARYLAND Police Training AND STANDARDS Commission, WHICH IS**  
26 **AN INDEPENDENT ~~UNIT~~ COMMISSION THAT FUNCTIONS** in the ~~EXECUTIVE~~  
27 Department.

28 [3–203.

29 (a) (1) The Commission consists of 16 members.

30 (2) Of the 16 members of the Commission:

- 1 (i) one shall be the President of the Maryland Chiefs of Police  
2 Association;
- 3 (ii) one shall be the President of the Maryland Sheriffs Association;
- 4 (iii) one shall be the President of the Maryland Law Enforcement  
5 Officers, Inc.;
- 6 (iv) one shall be the Attorney General of the State;
- 7 (v) one shall be the Secretary of State Police;
- 8 (vi) one shall be the Police Commissioner of Baltimore City;
- 9 (vii) one shall be the Chancellor of the University System of  
10 Maryland;
- 11 (viii) one shall be the agent in charge of the Baltimore office of the FBI;
- 12 (ix) one shall be the President of the Eastern Shore Police  
13 Association;
- 14 (x) one shall represent the Maryland State Lodge of Fraternal Order  
15 of Police;
- 16 (xi) one shall be the Secretary of Public Safety and Correctional  
17 Services;
- 18 (xii) one shall be the Chairman of the Maryland Municipal League  
19 Police Executive Association;
- 20 (xiii) three shall be police officials of the State appointed under  
21 subsection (b) of this section; and
- 22 (xiv) one shall be the President of the Police Chiefs' Association of  
23 Prince George's County.
- 24 (b) (1) The Secretary shall appoint the three police officials to be members of  
25 the Commission with the approval of the Governor and the advice and consent of the  
26 Senate.
- 27 (2) The three members appointed under paragraph (1) of this subsection  
28 shall represent different geographic areas of the State.
- 29 (c) (1) The term of a member who is appointed under subsection (b) of this  
30 section is 3 years.

1           (2)    The terms of the members who are appointed under subsection (b) of  
2 this section are staggered as required by the terms provided for members of the Commission  
3 on October 1, 2003.

4           (3)    At the end of a term, a member who is appointed under subsection (b)  
5 of this section continues to serve until a successor is appointed and qualifies.

6           (4)    A member who is appointed after a term has begun serves only for the  
7 remainder of the term and until a successor is appointed and qualifies.

8           (d)    Except for the three members appointed by the Secretary under subsection (b)  
9 of this section, a member of the Commission may serve personally at a Commission meeting  
10 or may designate a representative from the member's unit, agency, or association who may  
11 act at any meeting to the same effect as if the member were personally present.]

12 **3-203.**

13           **(A)    THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

14           **(1)    THE PRESIDENT OF THE MARYLAND CHIEFS OF POLICE**  
15 **ASSOCIATION;**

16           **(2)    THE PRESIDENT OF THE MARYLAND SHERIFFS ASSOCIATION;**

17           **(3)    THE ATTORNEY GENERAL OF THE STATE;**

18           **(4)    THE SECRETARY OF STATE POLICE;**

19           **(5)    THE AGENT IN CHARGE OF THE BALTIMORE OFFICE OF THE**  
20 **FEDERAL BUREAU OF INVESTIGATION;**

21           **(6)    ONE MEMBER REPRESENTING THE MARYLAND STATE LODGE OF**  
22 **FRATERNAL ORDER OF POLICE;**

23           **(7)    ONE MEMBER REPRESENTING THE MARYLAND STATE'S**  
24 **ATTORNEYS' ASSOCIATION;**

25           **(8)    THE CHAIR OF THE MARYLAND MUNICIPAL LEAGUE POLICE**  
26 **EXECUTIVE ASSOCIATION;**

27           **(9)    THE ~~EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL~~**  
28 **~~LEAGUE~~ PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.;**

1           ~~(10) THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF~~  
2 ~~COUNTIES;~~

3           ~~(11) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;~~

4           (10) THE POLICE COMMISSIONER OF BALTIMORE CITY;

5           (11) THE PRESIDENT OF THE POLICE CHIEFS' ASSOCIATION OF  
6 PRINCE GEORGE'S COUNTY;

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

9           ~~(12)~~ (13) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED  
10 BY THE PRESIDENT OF THE SENATE;

11           ~~(12)~~ ~~(13)~~ (14) TWO MEMBERS OF THE HOUSE OF DELEGATES,  
12 APPOINTED BY THE SPEAKER OF THE HOUSE; AND

13           ~~(13)~~ ~~(14)~~ (15) THE FOLLOWING INDIVIDUALS, APPOINTED BY THE  
14 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:

15           (I) ~~THREE FIVE~~ THREE POLICE OFFICERS, REPRESENTING  
16 ~~DIFFERENT GEOGRAPHIC AREAS OF THE STATE RACIAL, GENDER, GEOGRAPHIC,~~  
17 ~~AND OTHER FORMS OF DIVERSITY~~ DIFFERENT GEOGRAPHIC AREAS OF THE STATE;

18           (II) ONE INDIVIDUAL WITH EXPERTISE IN COMMUNITY  
19 POLICING;

20           (III) ONE INDIVIDUAL WITH EXPERTISE IN POLICING  
21 STANDARDS;

22           (IV) ONE INDIVIDUAL WITH EXPERTISE IN MENTAL HEALTH; AND

23           (V) TWO CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO  
24 LAW ENFORCEMENT.

25           (B) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

26           (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS  
27 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON  
28 OCTOBER 1, 2016.

1           **(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO**  
2 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

3           **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**  
4 **ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED**  
5 **AND QUALIFIES.**

6           **(C) EXCEPT FOR THE APPOINTED MEMBERS, A MEMBER OF THE**  
7 **COMMISSION MAY SERVE PERSONALLY AT A COMMISSION MEETING OR MAY**  
8 **DESIGNATE A REPRESENTATIVE FROM THE MEMBER'S UNIT, AGENCY, OR**  
9 **ASSOCIATION WHO MAY ACT AT ANY MEETING TO THE SAME EFFECT AS IF THE**  
10 **MEMBER WERE PERSONALLY PRESENT.**

11           **(D) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF**  
12 **MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY**  
13 **CAPACITY ONLY.**

14 3-204.

15           [(a) The Secretary of State Police is the chairman of the Commission.

16           (b)] The Commission annually shall elect a [vice chairman] **CHAIR AND VICE**  
17 **CHAIR** from among its ~~VOTING~~ members.

18 3-206.

19           (a) (1) ~~[With the approval of the Secretary~~ **GOVERNOR**, the] ~~THE~~  
20 Commission shall appoint an executive director.

21           (2) The executive director shall perform general administrative and  
22 training management functions.

23           (3) The executive director serves at the pleasure of the Commission.

24           (b) (1) [With the approval of the Secretary, the] **THE** Commission shall  
25 appoint a deputy director and any other employees that the Commission considers  
26 necessary to perform general administrative and training management functions.

27           (2) The deputy director and other employees appointed under paragraph  
28 (1) of this subsection shall serve at the pleasure of the Commission.

29           (c) In accordance with the State budget, the Commission may set the  
30 compensation of:

31           (1) the executive director and the deputy director; and

1           (2)    a Commission employee in a position that:

2                   (i)     is unique to the Commission;

3                   (ii)    requires specific skills or experience to perform the duties of the  
4 position; and

5                   (iii)   does not require the employee to perform functions that are  
6 comparable to functions performed in other units of the Executive Branch of State  
7 government.

8           (d)    The Secretary of Budget and Management, in consultation with the  
9 Commission, shall determine the positions for which the Commission may set  
10 compensation under subsection (c) of this section.

11 3–207.

12           (A)   [Subject to the authority of the Secretary, the] **THE** Commission has the  
13 following powers and duties:

14                   (1)    to establish standards for the approval and continuation of approval of  
15 schools that conduct police entrance–level and in–service training courses required by the  
16 Commission, including State, regional, county, and municipal training schools;

17                   (2)    to approve and issue certificates of approval to police training schools;

18                   (3)    to inspect police training schools;

19                   (4)    to revoke, for cause, the approval or certificate of approval issued to a  
20 police training school;

21                   (5)    to establish the following for police training schools:

22                           (i)     curriculum;

23                           (ii)    minimum courses of study;

24                           (iii)   attendance requirements;

25                           (iv)   eligibility requirements;

26                           (v)    equipment and facilities;

27                           (vi)   standards of operation; and

28                           (vii)   minimum qualifications for instructors;

- 1           (6) to require, for entrance-level police training and at least every 3 years  
2 for in-service level police training conducted by the State and each county and municipal  
3 police training school, that the curriculum and minimum courses of study include special  
4 training, attention to, and study of the application and enforcement of:
- 5           (i) the criminal laws concerning rape and sexual offenses, including  
6 the sexual abuse and exploitation of children and related evidentiary procedures;
- 7           (ii) the contact with and treatment of victims of crimes and  
8 delinquent acts;
- 9           (iii) the notices, services, support, and rights available to victims and  
10 victims' representatives under State law; and
- 11           (iv) the notification of victims of identity fraud and related crimes of  
12 their rights under federal law;
- 13           (7) to certify and issue appropriate certificates to qualified instructors for  
14 police training schools authorized by the Commission to offer police training programs;
- 15           (8) to verify that police officers have satisfactorily completed training  
16 programs and issue diplomas to those police officers;
- 17           (9) to conduct and operate police training schools authorized by the  
18 Commission to offer police training programs;
- 19           (10) to make a continuous study of entrance-level and in-service training  
20 methods and procedures;
- 21           (11) to consult with and accept the cooperation of any recognized federal,  
22 State, or municipal law enforcement agency or educational institution;
- 23           (12) to consult and cooperate with universities, colleges, and institutions in  
24 the State to develop specialized courses of study for police officers in police science and  
25 police administration;
- 26           (13) to consult and cooperate with other agencies and units of the State  
27 concerned with police training;
- 28           (14) to develop, with the cooperation of the Office of the Chief Medical  
29 Examiner and the Federal Bureau of Investigation, a uniform missing person report form  
30 to be available for use by each law enforcement agency of the State on or before October 1,  
31 2008;
- 32           (15) to require, for entrance-level police training and annually for  
33 in-service level police training conducted by the State and each county and municipal police



1 training school, that the curriculum and minimum courses of study include, for police  
 2 officers who are issued an electronic control device by a law enforcement agency, special  
 3 training in the proper use of electronic control devices, as defined in § 4–109 of the Criminal  
 4 Law Article, consistent with established law enforcement standards and federal and State  
 5 constitutional provisions;

6 (16) to require, for entrance–level police training and, as determined by the  
 7 Commission, for in–service level training conducted by the State and each county and  
 8 municipal police training school, that the curriculum and minimum courses of study  
 9 include, consistent with established law enforcement standards and federal and State  
 10 constitutional provisions:

11 (i) training in lifesaving techniques, including Cardiopulmonary  
 12 Resuscitation (CPR);

13 (ii) training in the proper level and use of force;

14 (iii) training regarding sensitivity to cultural and gender diversity;  
 15 and

16 (iv) training regarding individuals with physical, intellectual,  
 17 developmental, and psychiatric disabilities;

18 **(17) TO REQUIRE, FOR ENTRANCE–LEVEL POLICE TRAINING AND AT**  
 19 **LEAST EVERY 2 YEARS FOR IN–SERVICE LEVEL POLICE TRAINING CONDUCTED BY**  
 20 **THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT**  
 21 **THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING,**  
 22 **ATTENTION TO, AND STUDY OF THE APPLICATION OF ANTIDISCRIMINATION AND USE**  
 23 **OF FORCE DE–ESCALATION TRAINING;**

24 **[(17)] (18)** to develop, with the cooperation of the Office of the Attorney  
 25 General, the Governor’s Office of Crime Control and Prevention, and the Federal Trade  
 26 Commission, a uniform identity fraud reporting form that:

27 (i) makes transmitted data available on or before October 1, 2011,  
 28 for use by each law enforcement agency of State and local government; and

29 (ii) may authorize the data to be transmitted to the Consumer  
 30 Sentinel program in the Federal Trade Commission; **[and]**

31 **(19) TO ~~REVIEW THE NATIONAL INSTITUTE OF JUSTICE EXAMPLE USE~~**  
 32 **~~OF FORCE CONTINUUM AND ADOPT, IN REGULATION, ADOPT AND RECOMMEND A SET~~**  
 33 **OF BEST PRACTICES AND STANDARDS FOR USE OF FORCE;**

34 **(20) TO EVALUATE AND MODERNIZE RECRUITMENT STANDARDS AND**  
 35 **PRACTICES OF LAW ENFORCEMENT AGENCIES TO INCREASE DIVERSITY WITHIN**

1 THOSE LAW ENFORCEMENT AGENCIES AND DEVELOP ~~MEDIA~~ STRATEGIES FOR  
 2 RECRUITING WOMEN AND AFRICAN AMERICAN, HISPANIC OR LATINO, AND OTHER  
 3 MINORITY CANDIDATES;

4 (21) TO DEVELOP STANDARDS FOR:

5 ~~(I)~~ THE MANDATORY PSYCHOLOGICAL EVALUATION OF A LAW  
 6 ENFORCEMENT OFFICER WHO ~~HAS BEEN~~ WAS ACTIVELY INVOLVED IN A TRAUMATIC  
 7 AN INCIDENT WHEN ANOTHER PERSON WAS SERIOUSLY INJURED OR KILLED AS A  
 8 RESULT OF AN ACCIDENT OR A SHOOTING OR HAS RETURNED FROM COMBAT  
 9 DEPLOYMENT; AND

10 ~~(H) THE PERIODIC PSYCHOLOGICAL EVALUATION OF ALL LAW~~  
 11 ~~ENFORCEMENT OFFICERS, IF DETERMINED BY THE COMMISSION TO BE~~  
 12 ~~APPROPRIATE; AND~~

13 [(18)] (22) to perform any other act, INCLUDING ADOPTING  
 14 REGULATIONS, that is necessary or appropriate to carry out the powers and duties of the  
 15 Commission under this subtitle.

16 (B) (1) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH LAW  
 17 ENFORCEMENT AGENCIES REPORT TO THE COMMISSION ON THE NUMBER OF  
 18 SERIOUS OFFICER-INVOLVED INCIDENTS EACH YEAR, INCLUDING INCIDENTS IN  
 19 WHICH AN OFFICER IS THE VICTIM, THE NUMBER OF OFFICERS DISCIPLINED EACH  
 20 YEAR, AND THE TYPE OF DISCIPLINE ADMINISTERED TO THOSE OFFICERS.

21 (2) THE COMMISSION SHALL ANNUALLY SUMMARIZE THE  
 22 INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES AND:

23 (I) POST THE SUMMARY, EXCLUDING THE NAMES OF OFFICERS  
 24 AND OTHER INVOLVED PARTIES, ON A WEB SITE MAINTAINED BY THE COMMISSION;  
 25 AND

26 (II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, AS  
 27 PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

28 (C) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL  
 29 HYGIENE, THE COMMISSION SHALL ESTABLISH A CONFIDENTIAL HOTLINE THAT IS  
 30 AVAILABLE FOR POLICE OFFICERS AND OTHER LAW ENFORCEMENT PERSONNEL TO  
 31 CONTACT AND SPEAK WITH A TRAINED PEER LAW ENFORCEMENT OFFICER OR A  
 32 MENTAL HEALTH PROFESSIONAL WHO MAY PROVIDE INITIAL COUNSELING ADVICE  
 33 AND CONFIDENTIAL REFERRAL TO APPROPRIATE SERVICES.

34 (D) THE COMMISSION SHALL:

1 (1) ESTABLISH A POLICE COMPLAINT MEDIATION PROGRAM TO  
2 WHICH A LAW ENFORCEMENT AGENCY MAY REFER, ~~SUBJECT TO THE AGREEMENT~~  
3 ~~OF THE COMPLAINANT,~~ A NONVIOLENT COMPLAINT MADE AGAINST A POLICE  
4 OFFICER OUT OF THE STANDARD COMPLAINT PROCESS;

5 (2) REFER A COMPLAINT REFERRED TO THE PROGRAM TO  
6 VOLUNTARY MEDIATION CONDUCTED BY AN INDEPENDENT MEDIATION SERVICE;  
7 AND

8 (3) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM, INCLUDING  
9 CRITERIA CONCERNING ELIGIBILITY FOR REFERRAL OF COMPLAINTS.

10 (E) (1) THE COMMISSION SHALL DEVELOP BEST PRACTICES FOR THE  
11 ESTABLISHMENT AND IMPLEMENTATION OF A COMMUNITY POLICING PROGRAM IN  
12 EACH JURISDICTION.

13 (2) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH EACH  
14 ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY ANNUALLY FILES A DETAILED  
15 DESCRIPTION OF THE LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING  
16 PROGRAM.

17 (3) THE COMMISSION SHALL ANNUALLY:

18 (I) REVIEW EACH COMMUNITY POLICING PROGRAM FILED IN  
19 ACCORDANCE WITH § 3-517 OF THIS TITLE; AND

20 (II) PROVIDE EACH AGENCY WITH ANY COMMENTS THAT THE  
21 COMMISSION HAS TO IMPROVE THE AGENCY'S COMMUNITY POLICING PROGRAM.

22 (F) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN  
23 COMPLAINT PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT AGENCY.

24 (2) THE UNIFORM COMPLAINT PROCESS SHALL:

25 (I) BE SIMPLE;

26 (II) ~~REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION,~~  
27 ~~INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS, TO AN EXTENT SUFFICIENT~~  
28 ~~FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO CONTACT THE COMPLAINANT~~  
29 ~~TO VERIFY THE LEGITIMACY OF THE COMPLAINT;~~ REQUIRE A COMPLAINANT TO  
30 PROVIDE IDENTIFICATION TO AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT  
31 AGENCY IN QUESTION TO CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY  
32 OF THE COMPLAINT;

1 ~~(III) (III)~~ REQUIRE, ~~IF THE COMPLAINANT IS IDENTIFIED,~~ THAT A  
 2 ~~THE~~ A COMPLAINANT BE INFORMED OF THE FINAL DISPOSITION OF THE  
 3 COMPLAINANT'S COMPLAINT AND ANY DISCIPLINE IMPOSED AS A RESULT; AND

4 ~~(IV) (III) (IV) (III)~~ BE POSTED ON THE WEB SITES OF THE  
 5 COMMISSION AND EACH LAW ENFORCEMENT AGENCY.

6 (G) THE COMMISSION SHALL DEVELOP AND ADMINISTER A TRAINING  
 7 PROGRAM ON ~~THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS~~ THE LAW  
 8 ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE  
 9 PROCEDURES FOR CITIZENS AND ADMINISTRATIVE LAW JUDGES WHO INTENDED TO  
 10 INTEND TO QUALIFY TO PARTICIPATE AS A MEMBER OF A HEARING BOARD UNDER §  
 11 3-107 OF THIS TITLE.

12 3-208.

13 [Subject to the authority of the Secretary, the] **THE** Commission has the following  
 14 powers and duties:

15 (1) to adopt regulations necessary or appropriate to carry out this subtitle;  
 16 and

17 (2) to adopt regulations that establish and enforce standards for prior  
 18 substance abuse by individuals applying for certification as a police officer.

19 3-209.

20 (a) The Commission shall certify as a police officer each individual who:

21 (1) (i) satisfactorily meets the standards of the Commission; or

22 (ii) provides the Commission with sufficient evidence that the  
 23 individual has satisfactorily completed a training program in another state of equal quality  
 24 and content as required by the Commission; [and]

25 (2) **SUBMITS TO A PSYCHOLOGICAL EVALUATION BY A LICENSED**  
 26 **PSYCHOLOGIST APPROVED BY THE COMMISSION; AND**

27 **(3)** submits to a criminal history records check in accordance with §  
 28 3-209.1 of this subtitle.

29 (b) The Commission may certify as a police officer an individual who is not  
 30 considered a police officer under § 3-201(e)(3) of this subtitle if the individual meets the  
 31 selection and training standards of the Commission.

1 (c) Each certificate issued to a police officer under this subtitle remains the  
2 property of the Commission.

3 ~~(D) IF THE COMMISSION HAS PREVIOUSLY CERTIFIED AN INDIVIDUAL AS A~~  
4 ~~POLICE OFFICER, A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE THE~~  
5 ~~INDIVIDUAL TO UNDERGO ADDITIONAL ENTRANCE-LEVEL POLICE TRAINING.~~

6 3-514.

7 EACH LAW ENFORCEMENT AGENCY SHALL ~~REQUIRE ENSURE THAT AN~~  
8 ~~INCIDENT REPORT IS FILED BY OR ON BEHALF OF~~ REQUIRE A LAW ENFORCEMENT  
9 OFFICER WHO WAS INVOLVED IN A USE OF FORCE INCIDENT IN THE LINE OF DUTY  
10 ~~TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE~~ TO FILE AN INCIDENT  
11 REPORT REGARDING THE USE OF FORCE BY THE END OF THE OFFICER'S SHIFT  
12 UNLESS THE OFFICER IS DISABLED.

13 3-515.

14 ~~EACH~~ (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH  
15 LAW ENFORCEMENT AGENCY SHALL POST ALL OF THE OFFICIAL POLICIES OF THE  
16 LAW ENFORCEMENT AGENCY, INCLUDING PUBLIC COMPLAINT PROCEDURES AND  
17 COLLECTIVE BARGAINING AGREEMENTS:

18 (1) ON THE WEB SITE OF THE MARYLAND POLICE TRAINING AND  
19 STANDARDS COMMISSION; AND

20 (2) ON THE AGENCY'S OWN WEB SITE, IF THE AGENCY MAINTAINS A  
21 WEB SITE.

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

28 3-516.

29 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A CONFIDENTIAL  
30 AND NONPUNITIVE EARLY INTERVENTION POLICY FOR COUNSELING OFFICERS WHO  
31 RECEIVE THREE OR MORE CITIZEN COMPLAINTS WITHIN A 12-MONTH PERIOD.

1 (B) A POLICY DESCRIBED IN THIS SECTION MAY NOT PREVENT THE  
 2 INVESTIGATION OF OR IMPOSITION OF DISCIPLINE FOR ANY PARTICULAR  
 3 COMPLAINT.

4 3-517.

5 (A) ~~IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" MEANS:~~

6 ~~(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL~~  
 7 ~~CORPORATION IN THE STATE; OR~~

8 ~~(2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT~~  
 9 ~~FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.~~

10 *IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" MEANS:*

11 *(1) A POLICE DEPARTMENT OF A COUNTY OR MUNICIPAL*  
 12 *CORPORATION IN THE STATE; OR*

13 *(2) A SHERIFF'S OFFICE THAT PROVIDES A LAW ENFORCEMENT*  
 14 *FUNCTION IN A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.*

15 ~~(A)~~ ~~(B)~~ (B) EACH ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY SHALL ADOPT A  
 16 COMMUNITY POLICING PROGRAM IN ACCORDANCE WITH BEST PRACTICES  
 17 DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

18 ~~(B)~~ ~~(C)~~ ~~(B)~~ (C) EACH ~~LOCAL~~ LOCAL LAW ENFORCEMENT AGENCY SHALL:

19 (1) POST A DETAILED DESCRIPTION OF THE ~~LOCAL~~ LOCAL LAW  
 20 ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM ON THE INTERNET IN  
 21 ACCORDANCE WITH § 3-515 OF THIS SUBTITLE; AND

22 (2) ANNUALLY FILE A DETAILED DESCRIPTION OF THE ~~LOCAL~~ LOCAL  
 23 LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM WITH THE  
 24 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN ACCORDANCE  
 25 WITH § 3-207 OF THIS TITLE.

26 3-518.

27 EACH LAW ENFORCEMENT AGENCY SHALL ANNUALLY REPORT TO THE  
 28 MARYLAND POLICE STANDARDS AND TRAINING COMMISSION, IN ACCORDANCE  
 29 WITH § 3-207 OF THIS TITLE:

1 (1) THE NUMBER OF SERIOUS OFFICER-INVOLVED INCIDENTS;  
 2 ~~INCLUDING INCIDENTS IN WHICH AN OFFICER IS THE VICTIM;~~

3 (2) THE NUMBER OF OFFICERS DISCIPLINED; AND

4 (3) THE TYPE OF DISCIPLINE ADMINISTERED TO EACH OFFICER WHO  
 5 WAS DISCIPLINED.

6 3-519.

7 (A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM  
 8 CITIZEN COMPLAINT PROCESS DEVELOPED BY THE MARYLAND POLICE TRAINING  
 9 AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE.

10 (B) A LAW ENFORCEMENT AGENCY SHALL POST THE AGENCY'S CITIZEN  
 11 COMPLAINT PROCESS ON THE AGENCY'S WEB SITE IF THE AGENCY MAINTAINS A  
 12 WEB SITE.

13 **SUBTITLE 6. COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FUND.**

14 4-601.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 16 INDICATED.

17 (B) "COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM" MEANS:

18 (1) A PROGRAM THAT IS ESTABLISHED AND SPONSORED BY A LOCAL  
 19 LAW ENFORCEMENT AGENCY TO:

20 ~~(1)~~ (I) PROVIDE RECREATIONAL OR ATHLETIC OPPORTUNITIES  
 21 FOR MEMBERS OF THE COMMUNITY;

22 ~~(2)~~ (II) IMPROVE RELATIONS BETWEEN CITIZENS AND LAW  
 23 ENFORCEMENT; OR

24 ~~(3)~~ (III) OTHERWISE BENEFIT OR IMPROVE THE COMMUNITY; OR

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

28 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
 29 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

1 (D) "FUND" MEANS THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM  
2 FUND.

3 (E) "LOCAL LAW ENFORCEMENT AGENCY" MEANS THE POLICE  
4 DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

5 4-602.

6 (A) THERE IS A COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FUND.

7 (B) THE PURPOSE OF THE FUND IS TO ASSIST:

8 (1) LOCAL LAW ENFORCEMENT AGENCIES IN ESTABLISHING  
9 COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAMS; AND

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

12 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

13 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
14 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

15 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY  
16 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND, IN CONJUNCTION WITH  
17 THE EXECUTIVE DIRECTOR.

18 (E) (1) THE FUND CONSISTS OF:

19 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE  
20 FUND;

21 (II) INVESTMENT EARNINGS OF THE FUND; AND

22 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
23 BENEFIT OF THE FUND.

24 (2) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER,  
25 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION  
26 TO THE FUND OF \$500,000.

27 (F) (1) THE FUND MAY BE USED ONLY TO MAKE GRANTS AS PROVIDED  
28 UNDER THIS SUBTITLE.



1           (2)    THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

2           (G)   (1)   THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
3 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

4           (2)    ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO  
5 THE FUND.

6 4-603.

7           (A)    THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR  
8 ~~LOCAL LAW ENFORCEMENT~~ AGENCIES TO APPLY FOR MONEY FROM THE FUND.

9           (B)    ~~A LOCAL LAW ENFORCEMENT~~ AN AGENCY THAT APPLIES FOR MONEY  
10 FROM THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:

11           (1)    A DESCRIPTION OF THE ACTIVITIES AND FUNCTIONS OF THE  
12 COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM FOR WHICH THE MONEY IS REQUESTED;

13           (2)    THE ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE  
14 COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM;

15           (3)    THE NUMBER OF PARTICIPANTS IN THE COMMUNITY ~~LAW~~  
16 ~~ENFORCEMENT~~ PROGRAM; AND

17           (4)    ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR  
18 CONSIDERS NECESSARY.

19           (C)   (1)   THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE  
20 FUND TO:

21                    (I)   LOCAL LAW ENFORCEMENT AGENCIES TO SUPPORT  
22 COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAMS; AND

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

25           (2)    THE AMOUNT OF EACH GRANT SHALL BE IN PROPORTION TO THE  
26 NUMBER OF ~~LAW ENFORCEMENT~~ AGENCIES THAT APPLY FOR MONEY FROM THE  
27 FUND.

1 (D) ~~THE LOCAL LAW ENFORCEMENT~~ AGENCY SHALL SUBMIT TO THE  
 2 EXECUTIVE DIRECTOR PROOF OF EXPENDITURES OF THE GRANT FOR THE  
 3 COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM.

4 (E) MONEY DISTRIBUTED UNDER THIS SUBTITLE SHALL BE USED TO  
 5 SUPPLEMENT AND NOT SUPPLANT ANY OTHER FUNDING FOR A COMMUNITY ~~LAW~~  
 6 ~~ENFORCEMENT~~ PROGRAM.

7 (F) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND  
 8 THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL PROVIDE  
 9 TECHNICAL ASSISTANCE TO ~~LAW ENFORCEMENT~~ AGENCIES IN APPLYING FOR:

10 (1) MONEY FROM THE FUND; OR

11 (2) OTHER FEDERAL, STATE, OR PRIVATE GRANTS FOR COMMUNITY  
 12 ~~LAW ENFORCEMENT~~ PROGRAMS.

13 ~~4-604.~~

14 ~~ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE EXECUTIVE DIRECTOR SHALL~~  
 15 ~~REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE~~  
 16 ~~GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF~~  
 17 ~~MONEY UNDER THIS SUBTITLE.~~

#### 18 Article – State Finance and Procurement

19 6-226.

20 (a) (2) (i) Notwithstanding any other provision of law, and unless  
 21 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
 22 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 23 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 25 Fund of the State.

26 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
 27 to the following funds:

28 84. the Economic Development Marketing Fund; [and]

29 85. the Military Personnel and Veteran-Owned Small  
 30 Business No-Interest Loan Fund; AND

31 86. THE COMMUNITY ~~LAW ENFORCEMENT~~ PROGRAM  
 32 FUND.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
2 as follows:

3 Article – Tax – General

4 10-207.

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

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

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

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

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

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

20 (IV) “MARYLAND POLICE TRAINING AND STANDARDS  
21 COMMISSION” MEANS THE UNIT ESTABLISHED UNDER § 3-202 OF THE PUBLIC  
22 SAFETY ARTICLE.

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

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

29 (II) THE CRIME RATE IN THE POLITICAL SUBDIVISION EXCEEDS  
30 THE STATE’S CRIME RATE.

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

5 ~~Article—Public Safety~~

6 ~~SUBTITLE 8. WHISTLEBLOWER PROTECTIONS.~~

7 ~~3-801.~~

8 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 9 ~~INDICATED.~~

10 ~~(B) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101~~  
 11 ~~OF THIS TITLE.~~

12 ~~(C) "RETALIATORY ACTION" INCLUDES ANY RECOMMENDED, THREATENED,~~  
 13 ~~OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:~~

14 ~~(1) TERMINATION, DEMOTION, SUSPENSION, OR REPRIMAND;~~

15 ~~(2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN~~  
 16 ~~ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND LESS~~  
 17 ~~FAVORABLE;~~

18 ~~(3) FAILURE TO PROMOTE, HIRE, OR TAKE OTHER FAVORABLE~~  
 19 ~~PERSONNEL ACTION;~~

20 ~~(4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A~~  
 21 ~~REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES~~  
 22 ~~PROTECTED UNDER THIS SUBTITLE; OR~~

23 ~~(5) RETALIATING IN ANY OTHER MANNER DISCHARGE, DISCIPLINE,~~  
 24 ~~DEMOTION, SUSPENSION, DENIAL OF PROMOTION, TRANSFER, OR REASSIGNMENT;~~  
 25 ~~OR~~

26 ~~(2) ANY OTHER DISCRIMINATORY ACTION OR THREAT OF ACTION~~  
 27 ~~AGAINST A LAW ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT~~  
 28 ~~OFFICER MAKES A DISCLOSURE PROTECTED UNDER THIS SUBTITLE.~~

29 ~~3-802.~~

1       ~~(A) THIS SUBTITLE DOES NOT PRECLUDE AN ACTION FOR DEFAMATION OR~~  
2 ~~INVASION OF PRIVACY.~~

3       ~~(B) THIS SUBTITLE DOES NOT PROHIBIT A PERSONNEL ACTION THAT~~  
4 ~~WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF INFORMATION.~~

5 ~~§ 803.~~

6       ~~(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN~~  
7 ~~APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT~~  
8 ~~THREATEN OR TAKE TAKE, THREATEN TO TAKE, OR REFUSE TO TAKE ANY~~  
9 ~~PERSONNEL ACTION AS A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT~~  
10 ~~OFFICER WHO:~~

11           ~~(1) DISCLOSES INFORMATION THAT THE LAW ENFORCEMENT~~  
12 ~~OFFICER REASONABLY BELIEVES PROVIDES EVIDENCE OF:~~

13                   ~~(I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR A~~  
14 ~~GROSS WASTE OF MONEY;~~

15                   ~~(II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH~~  
16 ~~OR SAFETY; OR~~

17                   ~~(III) A VIOLATION OF LAW; OR~~

18           ~~(2) FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SUBSECTION,~~  
19 ~~SEEKS A REMEDY PROVIDED UNDER THIS SUBTITLE OR ANY OTHER LAW OR POLICY~~  
20 ~~GOVERNING THE LAW ENFORCEMENT AGENCY.~~

21       ~~(B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS~~  
22 ~~OTHERWISE SPECIFICALLY PROHIBITED BY LAW OR A DISCLOSURE OF~~  
23 ~~INFORMATION THAT IS CONFIDENTIAL BY LAW ONLY IF THE DISCLOSURE:~~

24           ~~(1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL UNDER §~~  
25 ~~3 806 OF THIS SUBTITLE;~~

26           ~~(2) IS IN WRITING; AND~~

27           ~~(3) CONTAINS:~~

28                   ~~(I) THE DATE OF THE DISCLOSURE;~~

29                   ~~(II) THE NAME OF THE LAW ENFORCEMENT OFFICER MAKING~~  
30 ~~THE DISCLOSURE;~~

~~(III) THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER THE INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

~~(IV) IF POSSIBLE, THE DATE OR RANGE OF DATES ON WHICH THE ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER OCCURRED REGARDING ANY OCCURRENCE RELATED TO THE INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION.~~

~~3-804.~~

~~(A) ON REQUEST OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER A COPY OF THIS SUBTITLE.~~

~~(B) IF A LAW ENFORCEMENT OFFICER ALLEGES THAT A RETALIATORY ACTION HAS OCCURRED, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER WHO IS SUBJECT TO THE ALLEGED RETALIATORY ACTION A COPY OF THIS SUBTITLE.~~

~~3-805.~~

~~(A) AFTER A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION OF § 3-803 OF THIS SUBTITLE EXHAUSTS ALL ADMINISTRATIVE REMEDIES, THE LAW ENFORCEMENT OFFICER MAY BRING A CIVIL ACTION AGAINST THE LAW ENFORCEMENT AGENCY FOR EQUITABLE RELIEF OR DAMAGES.~~

~~(B) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, IF THE LAW ENFORCEMENT OFFICER DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE DISCLOSURE OF INFORMATION WAS A CONTRIBUTING FACTOR IN THE ALLEGED RETALIATORY ACTION AGAINST THE LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT THE PERSONNEL ACTION WOULD HAVE OCCURRED FOR LEGITIMATE REASONS EVEN IF THE LAW ENFORCEMENT OFFICER HAD NOT MADE THE DISCLOSURE.~~

~~(C) (1) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION, A LAW ENFORCEMENT OFFICER MAY SEEK, INSTEAD OF REINSTATEMENT AND BACK PAY, STATUTORY DAMAGES IN THE AMOUNT OF NOT LESS THAN \$5,000 FOR EACH INSTANCE OF RETALIATORY ACTION.~~

1           ~~(2) IN AWARDING STATUTORY DAMAGES UNDER PARAGRAPH (1) OF~~  
2 ~~THIS SUBSECTION, THE TRIER OF FACT SHALL CONSIDER THE SEVERITY OF THE~~  
3 ~~PROHIBITED RETALIATORY ACTION AND THE PURPOSES OF THIS SUBTITLE.~~

4           ~~(D) IF THE TRIER OF FACT DETERMINES THAT THE LAW ENFORCEMENT~~  
5 ~~OFFICER IS ENTITLED TO EQUITABLE RELIEF OR DAMAGES IN A CIVIL ACTION~~  
6 ~~BROUGHT UNDER THIS SECTION, THE COURT MAY:~~

7           ~~(1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL~~  
8 ~~INFORMATION FROM THE LAW ENFORCEMENT OFFICER'S PERSONNEL RECORDS;~~

9           ~~(2) (I) ORDER THE LAW ENFORCEMENT AGENCY TO HIRE,~~  
10 ~~PROMOTE, OR REINSTATE THE LAW ENFORCEMENT OFFICER TO THE SAME OR~~  
11 ~~EQUIVALENT EMPLOYMENT WITH ANY APPLICABLE BENEFITS AND SENIORITY~~  
12 ~~RIGHTS; OR~~

13           ~~(H) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY~~  
14 ~~DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND~~

15           ~~(3) AWARD THE LAW ENFORCEMENT OFFICER:~~

16           ~~(I) COMPENSATION FOR ALL LOST REMUNERATION BACK PAY~~  
17 ~~TO THE DAY OF THE VIOLATION; AND~~

18           ~~(H) REASONABLE ATTORNEY'S FEES AND COSTS; AND~~

19           ~~(4) TAKE ANY OTHER REMEDIAL ACTION CONSISTENT WITH THE~~  
20 ~~PURPOSES OF THIS SUBTITLE.~~

21           ~~(E) (D) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION (D)~~  
22 ~~(C) OF THIS SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT~~  
23 ~~AGENCY AN INJUNCTION AGAINST ANY CONTINUING VIOLATIONS OF RESULTING~~  
24 ~~FROM THE DISCLOSURE MADE BY THE LAW ENFORCEMENT OFFICER UNDER THIS~~  
25 ~~SUBTITLE.~~

26           ~~(F) (E) IF THE COURT DETERMINES THAT A CIVIL ACTION UNDER~~  
27 ~~SUBSECTION (A) OF THIS SECTION WAS BROUGHT BY A LAW ENFORCEMENT OFFICER~~  
28 ~~IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY AWARD~~  
29 ~~REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES TO THE LAW~~  
30 ~~ENFORCEMENT AGENCY.~~

31           ~~(G) (F) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE~~  
32 ~~RIGHTS, PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED~~

1 ~~UNDER ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING~~  
 2 ~~AGREEMENT.~~

3 ~~3-806.~~

4 ~~FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:~~

5 ~~(1) DESIGNATE AN ASSISTANT ATTORNEY GENERAL TO RECEIVE~~  
 6 ~~FROM LAW ENFORCEMENT OFFICERS ANY INFORMATION THE DISCLOSURE OF~~  
 7 ~~WHICH IS OTHERWISE PROTECTED BY LAW;~~

8 ~~(2) INVESTIGATE EACH ALLEGATION OF ILLEGALITY OR~~  
 9 ~~IMPROPRIETY; AND~~

10 ~~(3) TAKE APPROPRIATE LEGAL ACTION.~~

11 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial  
 12 appointed members of the Maryland Police Training and Standards Commission shall  
 13 expire as follows:

- 14 (1) four members in 2017;  
 15 (2) four members in 2018; and  
 16 (3) four members in 2019.

17 SECTION 4. AND BE IT FURTHER ENACTED, That any transaction affected by  
 18 or flowing from any statute amended, repealed, or transferred, and validly entered into  
 19 before the effective date of this Act and every right, duty, or interest flowing from it remains  
 20 valid after the effective date and may be terminated, completed, consummated, or enforced  
 21 pursuant to law.

22 SECTION 5. AND BE IT FURTHER ENACTED, That any rules and regulations,  
 23 standards, guidelines, orders and other directives, forms, plans, memberships, funds,  
 24 appropriations, contracts properties, administrative and judicial proceedings, rights to sue  
 25 and be sued, and other duties and responsibilities associated with those functions affected  
 26 by this Act shall continue in effect until completed, withdrawn, canceled, modified, or  
 27 otherwise changed in accordance with law.

28 SECTION 6. AND BE IT FURTHER ENACTED, That any person or school issued a  
 29 certificate by the Police Training Commission is considered for all purposes to be continued  
 30 under this Act for the duration of the term for which the certificate was issued unless  
 31 otherwise provided by law.

32 SECTION 7. AND BE IT FURTHER ENACTED, That ~~Section 2 of this Act shall be~~  
 33 ~~construed to apply only prospectively and may not be applied or interpreted to have any~~



1 ~~effect on or application to any cause of action arising before the effective date of this Act~~ *it*  
2 *is the intent of the General Assembly that, to the extent possible, the Maryland Police*  
3 *Training and Standards Commission and the Correctional Training Commission shall*  
4 *continue to share training and support staff.*

5 ~~SECTION 8. AND BE IT FURTHER ENACTED, That the Governor's Office of Crime~~  
6 ~~Control and Prevention shall conduct a study of best practices for the composition of law~~  
7 ~~enforcement disciplinary hearing boards statewide and nationwide, and submit a report~~  
8 ~~containing its findings and recommendations to the Governor and, in accordance with §~~  
9 ~~2-1246 of the State Government Article, the General Assembly by December 1, 2018~~  
10 *Section 2 of this Act shall be applicable to all taxable years beginning after December 31,*  
11 *2015.*

12 ~~SECTION 9.~~ AND BE IT FURTHER ENACTED, That *Section 1* of this Act shall  
13 take effect October 1, 2016.

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

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.