

SB1026/888871/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1026
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “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;”; strike beginning with “requiring” in line 10 down through “manner;” in line 12; in line 13, after “public” insert “except under certain circumstances;”; strike beginning with “removing” in line 13 down through “Department;” in line 15; in line 16, after “Commission;” insert “establishing the Maryland Police Training and Standards Commission as an independent commission that functions in the Department of Public Safety and Correctional Services;”; and in line 19, after the first “Commission;” insert “requiring the Maryland Police Training and Standards Commission and the Correctional Training Commission to appoint executive directors with the approval of the Governor, rather than the Secretary;”.

On page 1 in lines 18, 19, 20, 22, 24, 25, 28, and 30, on page 2 in lines 1, 13, and 31, and on page 3 in lines 11 and 17, in each instance, before “Commission” insert “Maryland Police Training and Standards”.

On page 2, strike beginning with “prohibiting” in line 4 down through “circumstances;” in line 5; in line 9, after “sites;” insert “authorizing a chief to prohibit certain posting of certain information under certain circumstances;”; in line 16, strike “Law Enforcement”; in line 25, strike “a local law enforcement” and substitute “an”; in lines 27 and 28, in each instance, strike “local law enforcement”; in line 32, strike “law enforcement”; strike beginning with “requiring” in line 32 down through “Fund;” in line 33; and strike beginning with “prohibiting” in line 35 down through “in” in line 47.

(Over)

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On page 3, strike beginning with “awarding” in line 1 down through “actions;” in line 8; strike beginning with “providing” in line 17 down through “Act;” in line 18 and substitute “declaring the intent of the General Assembly;”; in line 22, after “2-201” insert “and 8-206(a)”; after line 24, 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)”;

in line 27, after “Section” insert “3-103(d)”; strike beginning with “3-801” in line 37 down through the semicolon in line 38; in line 38, strike “4-604” and substitute “4-603”; and in line 39, strike “Law Enforcement”.

AMENDMENT NO. 2

On page 5, after line 12, insert:

“3-103.

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

On pages 28 through 32, strike in their entirety the lines beginning with line 8 on page 28 through line 6 on page 32, inclusive.

AMENDMENT NO. 3

On page 5, in line 23, after “INCIDENT” insert “THAT, TO THE BEST OF THE INDIVIDUAL’S KNOWLEDGE, IS UNALTERED”.

On page 6, in line 11, after “5” insert “BUSINESS”; and in line 12, strike “5-DAY” and substitute “5 BUSINESS DAY”.

On page 7, in line 1, strike “PARAGRAPHS (4) AND (5)” and substitute “PARAGRAPH (5)”; in line 3, after “three” insert “VOTING”; in line 5, strike the brackets; strike beginning with “, OR” in line 6 down through “RIGHTS” in line 9; strike beginning with “A” in line 12 down through “OFFICER” in line 13; in line 15, after “(3)” insert “(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CHIEF MAY”.

(Over)

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

(4)”;

in line 29, strike “(4)” and substitute “(5)”; in the same line, after “(i)” insert “1.”; in the same line, strike “A” and substitute “SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A”; and after line 32, insert:

“2. A HEARING BOARD FORMED UNDER THIS PARAGRAPH MAY INCLUDE, AS A VOTING OR NONVOTING MEMBER OF THE HEARING BOARD, A MEMBER OF THE PUBLIC, APPOINTED BY THE CHIEF, WHO HAS HAD TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.”.

On page 8, strike in their entirety lines 16 through 23, inclusive.

On page 9, in line 11, after “be” insert “:

(I)”;

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and strike beginning with “AND” in line 11 down through “PUBLIC” in line 12 and substitute “;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. 4

On page 5, in lines 4, 5, 6, 7, 8, 9, and 10, in each instance, strike the bracket; in line 4, before “Police” insert “MARYLAND”; in the same line, after “Training” insert “AND STANDARDS”; in lines 6, 7, 8, 9, and 10, strike “(9)”, “(10)”, “(11)”, “(12)”, and “(13)”, respectively; and after line 11, 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.”.

On page 10, in lines 23 and 25, in each instance, strike the bracket.

(Over)

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On page 11, in line 7, strike the brackets; and in the same line, strike “(D)”.

On page 13, in line 17, strike “UNIT” and substitute “COMMISSION THAT FUNCTIONS”; and in the same line, strike “EXECUTIVE”.

On page 15, strike beginning with “EXECUTIVE” in line 16 down through “LEAGUE” in line 17 and substitute “PRESIDENT OF MARYLAND LAW ENFORCEMENT OFFICERS, INC.”; strike beginning with “EXECUTIVE” in line 18 down through “COUNTIES” in line 19 and substitute “POLICE COMMISSIONER OF BALTIMORE CITY”; in line 20, after “(11)” insert “THE PRESIDENT OF THE POLICE CHIEFS’ ASSOCIATION OF PRINCE GEORGE’S COUNTY;

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

(13)”;

and in lines 22 and 24, strike “(12)” and “(13)”, respectively, and substitute “(14)” and “(15)”, respectively.

On page 16, after line 21, insert:

“(D) THE MEMBERS OF THE COMMISSION APPOINTED FROM THE SENATE OF MARYLAND AND THE HOUSE OF DELEGATES SHALL SERVE IN AN ADVISORY CAPACITY ONLY.”;

in line 27, strike the brackets; in the same line, strike “Secretary” and substitute “GOVERNOR”; and in the same line, strike “THE”.

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AMENDMENT NO. 5

On page 20, strike beginning with “REVIEW” in line 8 down through “REGULATION,” in line 9 and substitute “ADOPT AND RECOMMEND”; in line 13, strike “MEDIA”; strike beginning with the colon in line 16 down through “(I)” in line 17; in line 18, 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 20 and 21; and in line 31, after “SUMMARY” insert “, EXCLUDING THE NAMES OF OFFICERS AND OTHER INVOLVED PARTIES,”.

On page 22, in line 3, after “IDENTIFICATION” insert “, INCLUDING A TELEPHONE NUMBER OR E-MAIL ADDRESS,”; in line 7, after “COMPLAINT” insert “AND ANY DISCIPLINE IMPOSED AS A RESULT”; and in line 11, after “RIGHTS” insert “AND MATTERS RELATING TO POLICE PROCEDURES”.

On page 23, strike in their entirety lines 6 through 8, inclusive; in line 15, strike “EACH” and substitute “(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH”; and after line 21, 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.”

AMENDMENT NO. 6

On page 27, strike in their entirety lines 19 through 23, inclusive.

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On page 32, in line 7, strike “3.” and substitute “2.”.

On page 33, in lines 13, 19, 24, and 30, strike “4.”, “5.”, “6.”, and “7.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively; and after line 33, insert:

“SECTION 7. AND BE IT FURTHER ENACTED, That 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.”.

On page 34, strike in their entirety lines 1 through 3, inclusive; in lines 4, 6, and 8, strike “9.”, “10.”, and “11.”, respectively, and substitute “8.”, “9.”, and “10.”, respectively; in line 4, strike “3” and substitute “2”; in line 6, strike “Sections 1 and 2” and substitute “Section 1”; and in line 9, strike “10” and substitute “9”.

AMENDMENT NO. 7

On page 24, in line 27, strike “**LAW ENFORCEMENT**”.

On page 25, in lines 3 and 19, in each instance, strike “**LAW ENFORCEMENT**”; in line 3, after “**MEANS**” insert “:

(1)”;

in lines 5, 7, and 9, strike “**(1)**”, “**(2)**”, and “**(3)**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 9, 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”;

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in lines 12 and 17, in each instance, strike “**LAW ENFORCEMENT**”; in line 18, after “**ASSIST**” insert “**;**”

(1);

and in line 19, after “**PROGRAMS**” insert “**;****AND**”

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

On page 26, in line 16, strike “**LOCAL LAW ENFORCEMENT**”; in line 17, strike “**A LOCAL LAW ENFORCEMENT**” and substitute “**AN**”; and in lines 20, 22, and 23 and 24, in each instance, strike “**LAW ENFORCEMENT**”.

On page 27, in line 2, after the first “**TO**” insert “**;**”

(I);

in the same line, strike the second “**LAW**”; in line 3, strike “**ENFORCEMENT**”; in the same line, after “**PROGRAMS**” insert “**;****AND**”

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

in lines 5, 9, 11 and 12, 15, and 18, in each instance, strike “**LAW ENFORCEMENT**”; and in line 7, strike “**LOCAL LAW ENFORCEMENT**”.