

SENATE BILL 834

E4, L2

9lr2334

By: **Senators Carter, Hayes, and Washington**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement Accountability – Civilian Oversight**

3 FOR the purpose of adding a certain investigator to the list of individuals who may be
4 considered a certain investigating officer or interrogating officer for purposes of a
5 certain provision of law; prohibiting a record of a certain complaint against a law
6 enforcement officer from being expunged; repealing a requirement that the Civilian
7 Review Board of Baltimore City expunge certain records; making a conforming
8 change; and generally relating to law enforcement accountability.

9 BY repealing and reenacting, without amendments,

10 Article – Public Safety
11 Section 3–104(a)
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

14 BY repealing and reenacting, with amendments,

15 Article – Public Safety
16 Section 3–104(b) and 3–110
17 Annotated Code of Maryland
18 (2018 Replacement Volume)

19 BY repealing and reenacting, with amendments,

20 The Public Local Laws of Baltimore City
21 Section 16–48
22 Article 4 – Public Local Laws of Maryland
23 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

26 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-104.

2 (a) The investigation or interrogation by a law enforcement agency of a law
3 enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal
4 shall be conducted in accordance with this section.

5 (b) For purposes of this section, the investigating officer or interrogating officer
6 shall be:

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

8 (2) if requested by the Governor, the Attorney General or Attorney
9 General's designee; **OR**

10 **(3) AN INVESTIGATOR OF AN ESTABLISHED CIVILIAN REVIEW BOARD**
11 **WITH JURISDICTION OVER THE MATTER.**

12 3-110.

13 [(a) On written request, a law enforcement officer may have expunged from any
14 file the record of a formal complaint made against the law enforcement officer if:

15 (1) (i) the law enforcement agency that investigated the complaint:

16 1. exonerated the law enforcement officer of all charges in
17 the complaint; or

18 2. determined that the charges were unsustainable or
19 unfounded; or

20 (ii) a hearing board acquitted the law enforcement officer, dismissed
21 the action, or made a finding of not guilty; and

22 (2) at least 3 years have passed since the final disposition by the law
23 enforcement agency or hearing board.]

24 **(A) A RECORD OF A FORMAL COMPLAINT MADE AGAINST A LAW**
25 **ENFORCEMENT OFFICER MAY NOT BE EXPUNGED.**

26 (b) Evidence of a formal complaint against a law enforcement officer is not
27 admissible in an administrative or judicial proceeding if [the complaint resulted in an
28 outcome listed in subsection (a)(1) of this section]:

29 **(1) THE LAW ENFORCEMENT AGENCY THAT INVESTIGATED THE**
30 **COMPLAINT:**

1 **(I) EXONERATED THE LAW ENFORCEMENT OFFICER OF ALL**
2 **CHARGES IN THE COMPLAINT; OR**

3 **(II) DETERMINED THAT THE CHARGES WERE UNSUSTAINED OR**
4 **UNFOUNDED; OR**

5 **(2) A HEARING BOARD ACQUITTED THE LAW ENFORCEMENT OFFICER,**
6 **DISMISSED THE ACTION, OR MADE A FINDING OF NOT GUILTY.**

7 **Article 4 – Baltimore City**

8 16–48.

9 **[(a)]** The head of the appropriate law enforcement unit has final decision–making
10 responsibility for the appropriate disciplinary action in each case, but the head of the law
11 enforcement unit may not take final action until after reviewing the recommendation of
12 the Board under § 16–46(c)(2) of this subheading.

13 **[(b)]** If a complaint is not sustained or the police officer is exonerated, on written
14 request by the police officer sent to the Board, the Board shall expunge all records of the
15 complaint.]

16 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
17 October 1, 2019.