

SENATE BILL 140

P1

0lr1861

By: **Senator McCray**

Introduced and read first time: January 10, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 4, 2020

CHAPTER _____

1 AN ACT concerning

2 **Office of Legislative Audits – Audits of the Baltimore Police Department**

3 FOR the purpose of requiring the Office of Legislative Audits to conduct a certain audit or
4 audits of the Baltimore Police Department; specifying that the scope and objectives
5 of a certain audit or audits shall be determined by the Legislative Auditor; requiring
6 the Baltimore City government to make certain employees, records, and information
7 systems available to the Office of Legislative Audits under certain circumstances;
8 providing that the employees and authorized representatives of the Office of
9 Legislative Audits shall have access to and may inspect certain records, including
10 certain confidential records of the Baltimore Police Department, including those
11 records maintained by the Baltimore City government; and generally relating to
12 audits of the Baltimore Police Department by the Office of Legislative Audits.

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 2–1220(h) and 2–1223
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2019 Supplement)

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

20 **Article – State Government**

21 2–1220.

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.



1 (h) (1) Beginning July 1, 2020, and at least once every 6 years thereafter, the
2 Office of Legislative Audits shall conduct an audit **OR AUDITS** of the Baltimore Police
3 Department to evaluate the effectiveness and efficiency of the financial management
4 practices of the Baltimore Police Department.

5 (2) **THE SCOPE AND OBJECTIVES OF THE AUDIT OR AUDITS SHALL BE**
6 **DETERMINED BY THE LEGISLATIVE AUDITOR.**

7 (3) The Office of Legislative Audits shall provide information regarding the
8 audit process to the Baltimore Police Department before the audit is conducted.

9 (4) **THE BALTIMORE CITY GOVERNMENT SHALL MAKE AVAILABLE TO**
10 **THE OFFICE OF LEGISLATIVE AUDITS ALL CITY EMPLOYEES, RECORDS, AND**
11 **INFORMATION SYSTEMS DEEMED NECESSARY BY THE LEGISLATIVE AUDITOR TO**
12 **CONDUCT THE AUDIT OR AUDITS REQUIRED BY THIS SUBSECTION.**

13 2–1223.

14 (a) (1) Except as prohibited by the federal Internal Revenue Code, the
15 employees or authorized representatives of the Office of Legislative Audits shall have
16 access to and may inspect the records, including those that are confidential by law, of any
17 unit of the State government or of a person or other body receiving State funds, with respect
18 to any matter under the jurisdiction of the Office of Legislative Audits.

19 (2) In conjunction with an examination authorized under this subtitle, the
20 access required by paragraph (1) of this subsection shall include the records of contractors
21 and subcontractors that perform work under State contracts.

22 (3) The employees or authorized representatives of the Office of Legislative
23 Audits shall have access to and may inspect the records, including those that are
24 confidential by law, of:

25 (i) any local school system to perform the audits authorized under §
26 2–1220 of this subtitle or in accordance with a request for information as provided in §
27 5–114(d) of the Education Article;

28 (ii) the Board of Liquor License Commissioners for Baltimore City to
29 perform the audits authorized under § 2–1220(f)(1) of this subtitle;

30 (iii) the board of license commissioners for a county or for the City of
31 Annapolis to perform the audits authorized under § 2–1220(f)(2) of this subtitle; [and]

32 (iv) the Board of License Commissioners for Prince George’s County
33 to perform the audits authorized under § 2–1220(g) of this subtitle; **AND**

1 (V) THE BALTIMORE POLICE DEPARTMENT AND THE
2 BALTIMORE CITY GOVERNMENT TO PERFORM THE AUDITS REQUIRED UNDER §
3 2-1220(H) OF THIS SUBTITLE.

4 (b) Each officer or employee of the unit or body that is subject to examination
5 shall provide any information that the Legislative Auditor determines to be needed for the
6 examination of that unit or body, or of any matter under the authority of the Office of
7 Legislative Audits, including information that otherwise would be confidential under any
8 provision of law.

9 (c) (1) The Legislative Auditor may issue process that requires an official who
10 is subject to examination to produce a record that is needed for the examination.

11 (2) The process shall be sent to the sheriff for the county where the official
12 is located.

13 (3) The sheriff promptly shall serve the process.

14 (4) The State shall pay the cost of process.

15 (5) If a person fails to comply with process issued under this subsection or
16 fails to provide information that is requested during an examination, a circuit court may
17 issue an order directing compliance with the process or compelling that the information
18 requested be provided.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
20 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.