

SB0626/248078/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 626
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “**Law**” insert “**Maryland Police Accountability Act of 2021 –**”; in the same line after “**Force**” insert “**, Reporting, and Whistleblower Protections**”; strike beginning with “authorizing” in line 3 down through “Act;” in line 14 and substitute “prohibiting a law enforcement officer from intentionally using excessive force; requiring a law enforcement officer to intervene to prevent another law enforcement officer’s use of excessive force under certain circumstances; requiring a certain law enforcement officer to report certain conduct of another law enforcement officer to a certain supervisor or other individuals under certain circumstances; prohibiting a law enforcement officer from intentionally failing to provide certain medical treatment;”; in line 15, after “Act;” insert “altering the duties of the Maryland Police Training and Standards Commission; authorizing the Commission to suspend or revoke the certification of a police officer under certain circumstances;”; strike beginning with “requiring” in line 18 down through “thereafter;” in line 20 and substitute “requiring each local law enforcement agency to make a certain report to the Governor’s Office of Crime Prevention, Youth, and Victim Services at certain intervals of time; requiring the Governor’s Office to develop a certain form and take certain actions regarding certain reports; requiring the Governor’s Office to report certain noncompliance to the Commission;”; in lines 20 and 24, in each instance, strike “Attorney General” and substitute “Commission”; and in line 25, after “circumstances;” insert “prohibiting a supervisor, an appointing authority, or the head of a certain law enforcement agency from threatening or taking certain retaliatory actions against a certain law enforcement officer who discloses certain information or seeks a certain remedy; providing that the protections afforded under this Act apply to certain disclosures only under certain circumstances; authorizing a certain law enforcement officer to file a civil action against a certain law enforcement agency for certain relief;”

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authorizing the law enforcement officer to seek certain statutory damages instead of certain relief; providing that, under certain circumstances, the law enforcement agency has the burden of proving by clear and convincing evidence that certain personnel actions would have occurred despite a certain disclosure; requiring the trier of fact to consider certain factors in awarding certain statutory damages; authorizing the court to award certain relief and damages to the law enforcement officer under certain circumstances; requiring the court to issue a certain injunction under certain circumstances; authorizing a court to award certain attorney’s fees and litigation expenses to a law enforcement agency under certain circumstances; providing that this Act may not be construed to diminish certain rights, privileges, or remedies; requiring the Attorney General to take certain actions for certain purposes; providing that this Act does not preclude certain actions or prohibit certain personnel actions; providing for the application of this Act;”.

On page 2, after line 8, insert:

“BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–207(a)(16), (23), and (24) and 3–212

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)”;

in line 11, after “Section” insert “3–207(a)(25) and”; and in the same line, after “3–523” insert “; and 3–801 through 3–805 to be under the new subtitle “Subtitle 8. Whistleblower Protections””.

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 24 on page 2 through line 2 on page 3, inclusive.

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On pages 3 through 5, strike in their entirety the lines beginning with line 6 on page 3 through line 28 on page 5, inclusive, and substitute:

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

(B) “EXCESSIVE FORCE” MEANS FORCE THAT AN OBJECTIVELY REASONABLE LAW ENFORCEMENT OFFICER WOULD CONCLUDE EXCEEDS WHAT IS NECESSARY TO GAIN COMPLIANCE, CONTROL A SITUATION, OR PROTECT A LAW ENFORCEMENT OFFICER OR OTHERS FROM HARM, UNDER THE TOTALITY OF THE CIRCUMSTANCES.

(C) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 1-202 OF THE PUBLIC SAFETY ARTICLE.”.

On page 6, in line 2, strike “(1)”; in the same line, strike “USE FORCE ONLY:” and substitute **“NOT INTENTIONALLY USE EXCESSIVE FORCE.”**

On pages 6 and 7, strike in their entirety the lines beginning with line 3 on page 6 through line 10 on page 7, inclusive, and substitute:

“(B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.”.

On page 7, strike in their entirety lines 12 and 13; in line 14, strike “(B)” and substitute “(A)”; in the same line, strike “(1)”; in line 16, after the first “FORCE” insert a comma; in the same line, strike “INTENDS” and substitute **“HAS EXPRESSED AN INTENT”**; in the same line, after the second “FORCE” insert **“, THAT IS LIKELY TO**

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RESULT IN DEATH OR SERIOUS BODILY INJURY"; strike in their entirety lines 19 through 23, inclusive; in line 24, strike "(C)" and substitute "(B)"; in the same line, strike "POLICE OFFICER" and substitute "LAW ENFORCEMENT OFFICER"; in the same line, strike "SUBSECTION (B) OF"; and after line 25, insert:

"(C) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS."

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 17 on page 8, inclusive, and substitute:

"(A) A LAW ENFORCEMENT OFFICER MAY NOT INTENTIONALLY REFUSE TO PROMPTLY PROVIDE, OR MAKE REASONABLE EFFORTS TO OBTAIN, APPROPRIATE MEDICAL TREATMENT FOR A PERSON WHO SUSTAINS A SERIOUS BODILY INJURY AS A RESULT OF A LAW ENFORCEMENT OFFICER'S USE OF FORCE.

(B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

10-805.

(A) A LAW ENFORCEMENT OFFICER SHALL IMMEDIATELY MAKE A REPORT TO ANY SUPERVISORY MEMBER OF A LAW ENFORCEMENT AGENCY, A STATE'S ATTORNEY, THE ATTORNEY GENERAL, OR THE STATE PROSECUTOR IF THE LAW ENFORCEMENT OFFICER HAS ACTUAL KNOWLEDGE THAT ANOTHER LAW ENFORCEMENT OFFICER HAS ENGAGED IN:

(1) HOMICIDE, IN VIOLATION OF TITLE 2 OF THIS ARTICLE;

- (2) THE USE OF EXCESSIVE FORCE RESULTING IN BODILY INJURY;
- (3) A SEXUAL CRIME, IN VIOLATION OF TITLE 3, SUBTITLE 3 OF THIS ARTICLE;
- (4) THEFT OR A RELATED CRIME, IN VIOLATION OF TITLE 7, SUBTITLE 1 OF THIS ARTICLE;
- (5) PERJURY, IN VIOLATION OF TITLE 9, SUBTITLE 1 OF THIS ARTICLE;
- (6) FRAUD OR A RELATED CRIME, IN VIOLATION OF TITLE 8 OF THIS ARTICLE; OR
- (7) TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE, IN VIOLATION OF § 9-307 OF THIS ARTICLE.

(B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.”.

On page 8, after line 18, insert:

“3-207.

(a) The Commission has the following powers and duties:

(16) to require, for entrance-level police training and, as determined by the Commission, for in-service level training conducted by the State and each county

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and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:

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

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

(iii) training regarding sensitivity to cultural and gender diversity; [and]

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

(V) TRAINING REGARDING INDIVIDUALS WHO ARE IN CRISIS;

(23) to perform any other act, including adopting regulations, that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle; [and]

(24) to consult and cooperate with commanders of SWAT teams to develop standards for training and deployment of SWAT teams and of law enforcement officers who are not members of a SWAT team who conduct no-knock warrant service in the State based on best practices in the State and nationwide; AND

(25) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT LEAST EVERY 2 YEARS FOR IN-SERVICE-LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE TRAINING

ON THE REQUIREMENT TO INTERVENE TO TERMINATE OR PREVENT THE USE OF
EXCESSIVE FORCE AS REQUIRED BY § 10-803 OF THE CRIMINAL LAW ARTICLE.

3-212.

(a) (1) IN THIS SECTION, THE FOLLOWING TERMS HAVE THE
MEANINGS INDICATED.

(2) “DE-ESCALATION” INCLUDES:

(I) VERBAL PERSUASION;

(II) TACTICAL TECHNIQUES;

(III) SLOWING DOWN THE PACE OF AN INCIDENT;

(IV) WAITING OUT A SUSPECT;

(V) CREATING DISTANCE BETWEEN AN OFFICER AND A
PERSON;

(VI) REQUESTING ADDITIONAL RESOURCES TO RESOLVE AN
INCIDENT;

(VII) ALLOWING A PERSON TO MOVE ABOUT IF IT IS SAFE TO
DO SO; AND

(VIII) ALLOWING A PERSON THE OPPORTUNITY TO MAKE
STATEMENTS OR ASK QUESTIONS.

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(3) “LESS-LETHAL FORCE” INCLUDES THE USE OF:

(I) AN ELECTRONIC CONTROL DEVICE, AS DEFINED IN § 4-109 OF THE CRIMINAL LAW ARTICLE; AND

(II) CHEMICAL MACE OR PEPPER MACE, AS DEFINED IN § 4-101 OF THE CRIMINAL LAW ARTICLE.

(B) Subject to the hearing provisions of subsection (b) of this section, the Commission may suspend or revoke the certification of a police officer if the police officer:

(1) violates or fails to meet the Commission’s standards; [or]

(2) knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article;

(3) FAILS TO USE DE-ESCALATION AS AN ALTERNATIVE TO USING PHYSICAL FORCE, UNDER CIRCUMSTANCES IN WHICH DE-ESCALATION DID NOT INCREASE THE RISK OF PHYSICAL INJURY POSED TO THE LAW ENFORCEMENT OFFICER OR ANOTHER PERSON; OR

(4) MISUSES LESS-LETHAL FORCE AGAINST A MEMBER OF THE PUBLIC.

[(b)] (C) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State Government Article, before the Commission takes any final action under subsection [(a)] (B) of this section, the Commission shall give the individual against whom the action is contemplated an opportunity for a hearing before the Commission.

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(2) The Commission shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

[(c)] (D) A police officer aggrieved by the findings and order of the Commission may take an appeal as allowed in §§ 10–222 and 10–223 of the State Government Article.”;

strike beginning with “OFFICE” in line 22 down through “AGENCIES” in line 26 and substitute “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”; and in line 29, strike “§ 10–801” and substitute “TITLE 10, SUBTITLE 8”.

On page 9, strike in their entirety lines 7 and 8; in lines 9 and 20, strike “(V)” and “(VII)”, respectively, and substitute “(IV)” and “(V)”, respectively; strike beginning with “WHETHER” in line 9 down through “PERSON” in line 19 and substitute “:

1. WHETHER THE USE OF FORCE IS APPROPRIATE;

2. WHEN AND HOW A LAW ENFORCEMENT OFFICER SHOULD SELF-IDENTIFY; AND

3. WHEN AND HOW A LAW ENFORCEMENT OFFICER SHOULD ISSUE WARNINGS TO MEMBERS OF THE PUBLIC THAT THE FAILURE TO OBEY THE LAW ENFORCEMENT OFFICER MAY RESULT IN A USE OF FORCE”;

in line 22, strike “AS LAWFUL”; and in line 27, strike “AND”.

On pages 9 and 10, strike beginning with line 28 on page 9 through line 1 on page 10 and substitute:

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“(4) DOCUMENTING USES OF FORCE AND CONDUCTING USE-OF-FORCE INVESTIGATIONS; AND

(5) PROMPTLY PROVIDING, OR MAKING A REASONABLE EFFORT TO OBTAIN, APPROPRIATE MEDICAL TREATMENT FOR A PERSON INJURED AS THE RESULT OF A LAW ENFORCEMENT OFFICER’S USE OF FORCE.”

On page 10, strike beginning with “ON” in line 5 down through the second “WEAPON” in line 8 and substitute “**REQUIRED UNDER § 3-207 OF THIS TITLE**”; in line 11, after “(D)” insert “**(1)**”; strike beginning with “POST” in line 12 down through “AGENCY,” in line 13 and substitute “**REPORT TO THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES**”; in line 13, after “FORCE” insert “**THAT RESULTED IN COMPLAINTS, HOSPITALIZATIONS, OR DEATH,**”; and in line 16, after “DISABILITY” insert “**, IF KNOWN,**”.

On page 10 in lines 17, 18, 19, 21, 23, 25, 27, and 29, and on page 11 in lines 1 and 2, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, “(I)”, and “(II)”, respectively, and substitute “**(I)**”, “**(II)**”, “**(III)**”, “**(IV)**”, “**(V)**”, “**(VI)**”, “**(VII)**”, “**(VIII)**”, “**1.**”, and “**2.**”, respectively.

On page 11, after line 2, insert:

“(2) THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL ANALYZE AND SUMMARIZE THE REPORTS OF THE LAW ENFORCEMENT AGENCIES SUBMITTED UNDER PARAGRAPH (1) OF THIS SECTION.

(3) (I) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL:

1. SUBMIT A REPORT OF THE ANALYSIS AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY, AND, SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY; AND

2. PUBLISH THE REPORT ON ITS WEBSITE.

(II) THE REPORT PUBLISHED UNDER THIS PARAGRAPH MAY NOT INCLUDE ANY INFORMATION THAT REVEALS THE IDENTITY OF AN INDIVIDUAL.

(III) 1. IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL REPORT THE NONCOMPLIANCE TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

2. SUBJECT TO THE PROCEDURES FOR NONCOMPLIANCE UNDER SUBSECTION (E)(2) OF THIS SECTION, ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

(4) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL DEVELOP A STANDARD FORM FOR REPORTING DATA UNDER PARAGRAPH (1) OF THIS SUBSECTION.”;

in lines 4, 8, and 10, in each instance, strike “ATTORNEY GENERAL” and substitute “MARYLAND POLICE TRAINING AND STANDARDS COMMISSION”; in line 9, strike the colon and substitute “, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LOCAL LAW ENFORCEMENT AGENCY TO REQUEST THAT THE LOCAL LAW ENFORCEMENT AGENCY COMPLY WITH THIS SECTION WITHIN 90 DAYS.”

(3) IF THE LOCAL LAW ENFORCEMENT AGENCY DOES NOT COMPLY WITH THIS SECTION WITHIN 90 DAYS AFTER BEING CONTACTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

and after line 15, insert:

“SUBTITLE 8. WHISTLEBLOWER PROTECTIONS.

3-801.

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

(B) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101 OF THIS TITLE.

(C) “RETALIATORY ACTION” INCLUDES ANY RECOMMENDED, THREATENED, OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:

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

(2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND

LESS FAVORABLE;

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

(4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES PROTECTED UNDER THIS SUBTITLE; AND

(5) RETALIATING IN ANY OTHER MANNER AGAINST A LAW ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT OFFICER MAKES A DISCLOSURE PROTECTED UNDER THIS SUBTITLE.

3-802.

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

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

3-803.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT THREATEN OR TAKE A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT OFFICER WHO:

(1) DISCLOSES INFORMATION THAT THE LAW ENFORCEMENT

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OFFICER REASONABLY BELIEVES EVIDENCES:

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

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

(III) A VIOLATION OF LAW; OR

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

(B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS OTHERWISE PROHIBITED BY LAW, A DISCLOSURE OF INFORMATION THAT IS CONFIDENTIAL BY LAW, OR A DISCLOSURE OF INFORMATION THAT A LAW ENFORCEMENT OFFICER KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD IMPEDE OR WAS LIKELY TO IMPEDE AN INVESTIGATION ONLY IF THE DISCLOSURE:

(1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL;

(2) IS IN WRITING; AND

(3) CONTAINS:

(I) THE DATE OF THE DISCLOSURE;

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

(III) THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER; 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.

3-804.

(A) A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION OF § 3-803 OF THIS SUBTITLE 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, THE 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.

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

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

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

(2) (I) ORDER THE LAW ENFORCEMENT AGENCY TO REINSTATE THE LAW ENFORCEMENT OFFICER TO THE SAME OR EQUIVALENT EMPLOYMENT WITH ANY APPLICABLE BENEFITS AND SENIORITY RIGHTS; OR

(II) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND

(3) AWARD THE LAW ENFORCEMENT OFFICER:

(I) COMPENSATION FOR ALL LOST REMUNERATION; AND

(II) REASONABLE ATTORNEY'S FEES AND COSTS.

(E) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION (D) OF THIS SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT AGENCY AN INJUNCTION AGAINST ANY CONTINUING VIOLATIONS OF THIS SUBTITLE.

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

(G) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED UNDER ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING AGREEMENT.

3-805.

FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:

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

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

(3) TAKE APPROPRIATE LEGAL ACTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.”;

and in line 16, strike “2.” and substitute “3.”.