

HOUSE BILL 670

E4

1lr1071

By: **The Speaker (By Request – Police Reform and Accountability in MD, Workgroup to Address)**

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 2, 2021

CHAPTER _____

1 AN ACT concerning

2 **Police Reform and Accountability Act of 2021**

3 FOR the purpose of repealing the Law Enforcement Officers’ Bill of Rights; ~~providing that~~
4 ~~the Police Department of Baltimore City is an agency and instrumentality of the City~~
5 ~~of Baltimore, instead of the State; providing that certain police officers have the~~
6 ~~authority conferred under a certain provision of law; requiring that an application~~
7 ~~for a certain search warrant be approved in writing by a police supervisor and the~~
8 ~~State’s Attorney; altering a certain ground for issuance of a certain search warrant;~~
9 ~~repealing a certain ground for issuance of a certain search warrant; authorizing a~~
10 ~~judge to issue a certain “no-knock” search warrant only under certain circumstances;~~
11 ~~requiring that an application for a certain search warrant contain certain items;~~
12 ~~altering the number of days within which a certain search and seizure shall be made;~~
13 ~~providing that a warrant to search a residence shall be executed between certain~~
14 ~~times, absent certain circumstances; imposing certain restrictions on a police officer~~
15 ~~when executing a search warrant; requiring a police officer to take a certain action~~
16 ~~and provide certain information to certain individuals at the commencement of a~~
17 ~~certain stop, with a certain exception; prohibiting a police officer from prohibiting or~~
18 ~~preventing a citizen from recording the police officer’s actions if the citizen is~~
19 ~~otherwise acting lawfully; providing that an individual attending a certain~~
20 ~~institution of higher education is exempt from paying tuition under certain~~
21 ~~circumstances; requiring an individual who has received a certain exemption from~~
22 ~~tuition payment to pay a certain value to a certain institution under certain~~
23 ~~circumstances; establishing the Maryland Loan Assistance Repayment Program for~~
24 ~~Police Officers; requiring the Office of Student Financial Assistance in the Maryland~~

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 Higher Education Commission to assist in the repayment of certain loans owed by
2 certain eligible individuals; requiring the Office to adopt certain regulations;
3 specifying that funds for the Program shall be provided in the State budget; requiring
4 the Office to submit a certain report to the General Assembly on or before a certain
5 date; establishing the Maryland Police Officers Scholarship Program; providing for
6 the purpose of the Maryland Police Officers Scholarship; requiring the Office to
7 publicize the availability of the Maryland Police Officers Scholarship; establishing
8 the eligibility of the Maryland Police Officers Scholarship; requiring a certain
9 recipient to repay the Commission under certain circumstances; establishing the
10 amount of the annual scholarship award; requiring the Governor to include a certain
11 appropriation in the State budget for the Maryland Police Officers Scholarship;
12 requiring the Commission to use a certain appropriation for a certain purpose;
13 requiring the Office to publicize the availability of the Maryland Police Officers
14 Scholarship; requiring the Commission to submit a certain report on or before a
15 certain date; altering the limits on liability of a local government and the State and
16 its units for claims arising from tortious acts or omissions committed by a law
17 enforcement officer; requiring the State Public Information Act Compliance Board to
18 receive, review, and resolve certain complaints filed from a certain custodian, issue
19 a certain decision, and issue a certain order under certain circumstances; requiring
20 a certain custodian to allow inspection of certain records by the United States
21 Attorney, the Attorney General, the State Prosecutor, and a State's Attorney;
22 providing that a certain record is not a personnel record for a certain purpose, with
23 a certain exception; authorizing a certain custodian to deny inspection of certain
24 records; requiring a certain custodian to deny inspection of a certain record under
25 certain circumstances; requiring a custodian to notify a certain person in interest
26 when a certain record is inspected; prohibiting a certain custodian from disclosing
27 the identity of a certain requestor to a certain person in interest; altering the
28 membership of the Maryland Police Training and Standards Commission; requiring
29 the Commission to develop and administer training programs on certain matters for
30 citizens individuals who intend to qualify to participate as a member of a certain
31 administrative charging committee and citizens who are appointed to serve as
32 members of the Commission; requiring the Commission to take certain actions in
33 response to certain violations of a certain Use of Force Statute; requiring the
34 Commission to develop a test and training for implicit bias, require certain law
35 enforcement agencies to use the implicit bias test at a certain time, and require
36 certain police officers to complete implicit bias testing and training at certain times;
37 altering a certain requirement for police officer certification that an individual
38 submit to a psychological evaluation to require that an individual submit to a mental
39 health screening by a certain professional; adding as a requirement for police officer
40 certification that an individual submit to a certain physical agility assessment;
41 requiring a police officer, as a condition of certification, to submit to a mental health
42 assessment and a physical agility assessment at a certain time for a certain purpose;
43 establishing that prior marijuana use is not a disqualifier for certification as a police
44 officer and may not be the basis for disqualifying an applicant for a position as police
45 officer; requiring, at certain intervals beginning on a certain date, a law enforcement
46 agency that maintains a SWAT team to report certain information to the Governor's
47 Office of Crime Prevention, Youth, and Victim Services using a certain format;

1 requiring the Commission, in consultation with the Office, to develop a standardized
2 format that certain law enforcement agencies shall use in reporting certain data
3 relating to the activation and deployment of certain SWAT teams to the Office and
4 to certain local officials; requiring a law enforcement agency to compile certain
5 information as a report in a certain format and to submit the report to the Office no
6 later than a certain date following the period that is the subject of the report;
7 requiring the Office to analyze and summarize certain reports of law enforcement
8 agencies and to submit a report of the analyses and summaries to the Governor, the
9 General Assembly, and each law enforcement agency before a certain date each year;
10 providing that, if a law enforcement agency fails to comply with certain reporting
11 requirements, the Office shall report the noncompliance to the Commission;
12 providing that the Commission shall contact a certain law enforcement agency and
13 request that the agency comply with certain reporting requirements under certain
14 circumstances; providing that, if a certain law enforcement agency fails to comply
15 with certain reporting requirements within a certain period after being contacted by
16 the Commission, the Office and the Commission jointly shall make a certain report
17 to the Governor and the Legislative Policy Committee of the General Assembly and
18 publish the report on its website; requiring each law enforcement agency to require
19 the use of body-worn cameras on or before a certain date; requiring that a certain
20 body-worn camera automatically record and save certain video footage; requiring
21 each law enforcement agency to post in a certain location an explanation of certain
22 procedures; altering a certain provision of law requiring each law enforcement
23 agency to establish a certain early intervention policy to require a system instead of
24 a policy, repeal the requirement that the system be confidential and nonpunitive,
25 and alter the purpose and function of the system; requiring the Commission to
26 develop guidelines for a certain early intervention system; establishing the
27 Independent Investigative Agency as an independent unit of State government for a
28 certain purpose; authorizing the Independent Investigative Agency to employ certain
29 police officers and civilians for a certain purpose; requiring that a certain shooting
30 or other incident be investigated by a certain investigative agency; requiring a law
31 enforcement agency to notify a certain investigative agency of a certain shooting or
32 other incident at a certain time and cooperate with the investigative agency in a
33 certain investigation; requiring a certain investigative agency to submit a certain
34 report to a certain State's Attorney and publicize the report at a certain time;
35 requiring the Governor to annually include certain funding in the State budget;
36 requiring each police officer to sign a certain pledge; ~~providing that a police officer~~
37 ~~may only use certain force~~ establishing certain use of force standards; requiring a
38 police officer to take certain steps to gain compliance and de-escalate conflict under
39 certain circumstances; requiring a police officer to intervene to prevent or terminate
40 the use of certain force by a certain police officer; requiring a police officer to render
41 certain first aid to a certain subject and request certain assistance at a certain time;
42 requiring a police supervisor to respond to the scene of a certain incident and gather
43 and review certain recordings; requiring a police officer to document certain
44 incidents in a certain manner; requiring a law enforcement agency to adopt a certain
45 policy; requiring a police officer to undergo certain training; requiring a police officer
46 to sign a certain training completion document; ~~providing that a police officer may~~
47 ~~only use deadly force for a certain purpose;~~ requiring all police officers to undergo

1 less-lethal force training and be trained and equipped with certain less-lethal
2 weapons; ~~prohibiting a police officer from shooting at a certain vehicle except under~~
3 ~~certain circumstances; prohibiting a police officer from using a chokehold, neck~~
4 ~~restraint, or a certain other type of restraint; prohibiting a law enforcement agency~~
5 ~~from acquiring a certain armored or weaponized vehicle~~ receiving certain equipment
6 from a surplus program; requiring a law enforcement agency to have a written
7 de-escalation of force policy; ~~prohibiting a police officer from knowingly and willfully~~
8 ~~violating certain provisions of this Act; prohibiting a police officer from recklessly~~
9 ~~violating certain provisions of this Act;~~ authorizing a person to file a certain civil
10 action for a certain use of force; requiring each law enforcement agency to develop
11 and implement a certain program to protect the mental health of police officers;
12 establishing certain requirements for a certain program; requiring each law
13 enforcement agency to develop a policy to minimize certain costs to police officers;
14 establishing certain penalties for a violation of certain provisions of this Act;
15 requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to
16 withhold grant funding from a certain law enforcement agency; establishing that a
17 certain provision of law shall be known as the Maryland Use of Force Statute;
18 requiring the Maryland Police Training and Standards Commission to submit a
19 certain annual report to the Governor and General Assembly; ~~requiring each law~~
20 ~~enforcement agency to establish and implement a certain police discipline process~~
21 ~~with certain requirements; requiring each law enforcement agency to post the police~~
22 ~~discipline process on the agency's public website; requiring certain members of trial~~
23 ~~boards and administrative charging committees to receive certain training;~~
24 prohibiting a law enforcement agency from negating or altering certain requirements
25 of a and policies established in accordance with certain provision provisions of law
26 through collective bargaining; providing for the establishment, composition, and
27 duties of an administrative charging committee; requiring, that on completion of a
28 certain investigation, a law enforcement agency forward the investigatory files for
29 certain matters to an administrative charging committee; requiring that a certain
30 allegation proceed in accordance with the policies and procedures of a certain law
31 enforcement agency; providing that the meetings of an administrative charging
32 committee are not subject to the requirements of the Open Meetings Act; requiring
33 each county to have a police accountability board to take certain actions; providing
34 for the membership of a police accountability board; establishing requirements for a
35 certain complaint filed with a police accountability board; authorizing an individual
36 to file a certain complaint with a certain law enforcement agency; establishing
37 requirements for a certain complaint; requiring each county to have a certain
38 administrative charging committee; providing for the membership of certain
39 administrative charging committees; requiring that there be at least one statewide
40 administrative charging committee applicable to certain law enforcement agencies;
41 requiring an individual to receive certain training prior to serving as a member of an
42 administrative charging committee; requiring a certain law enforcement agency to
43 forward certain investigatory files to a certain administrative charging committee at
44 a certain time; requiring and authorizing an administrative charging committee to
45 take certain actions at certain times; requiring an administrative charging
46 committee to meet at certain times; requiring a member of an administrative
47 charging committee to maintain confidentiality relating to a certain matter at a

1 certain time; requiring the Maryland Police Training and Standards Commission to
2 develop and adopt, by regulation, a certain disciplinary matrix for a certain purpose;
3 requiring each law enforcement agency to adopt a certain disciplinary matrix;
4 requiring a certain chief to offer certain discipline to a certain police officer at a
5 certain time; requiring certain discipline to be imposed under certain circumstances;
6 requiring a certain matter to be referred to a trial board under certain circumstances;
7 requiring each law enforcement agency to establish a certain trial board process;
8 authorizing a small law enforcement agency to use the trial board process of another
9 law enforcement agency under certain circumstances; providing for the membership
10 of a trial board; requiring an individual to receive certain training prior to serving
11 as a member of a trial board; requiring that proceedings of a trial board be open to
12 the public, with certain exceptions; authorizing a trial board to administer oaths and
13 issue subpoenas under certain circumstances; providing that a complainant has the
14 right to be notified of and attend a certain hearing, with certain exceptions; providing
15 for the appeal of a trial board decision; providing that a trial board decision that is
16 not appealed is final; authorizing and requiring a certain chief to impose a certain
17 emergency suspension under certain circumstances; requiring a certain chief to
18 terminate the employment of a certain police officer; providing that a certain police
19 officer is entitled to receive back pay under certain circumstances; providing that a
20 police officer may be required to submit to certain tests, examinations, or
21 interrogations under certain circumstances; authorizing a certain law enforcement
22 agency to commence an action that may lead to a certain punitive measure under
23 certain circumstances; providing that the results of a certain test, examination, or
24 interrogation are not admissible or discoverable in a certain proceeding under
25 certain circumstances; providing that forfeiture of a law enforcement officer's
26 pension may be imposed as a disciplinary action under certain circumstances;
27 requiring a law enforcement agency to designate a certain victims' rights advocate
28 for a certain purpose; providing for the duties of a victims' rights advocate; requiring
29 each law enforcement agency to create a certain database; requiring a certain
30 investigating unit to review a certain complaint at a certain time; requiring an
31 administrative charging committee to take certain actions within a certain time
32 period; requiring a certain process of review to be completed within a certain time
33 period; providing that a certain police officer and a complainant have the right to
34 representation in connection with certain proceedings; prohibiting the taking of
35 certain adverse employment actions against a police officer because the police officer
36 took certain actions; prohibiting the denial of a police officer's right to bring suit
37 arising out of certain duties; providing that a police officer has certain rights to
38 engage in political activity; prohibiting a law enforcement agency from prohibiting
39 secondary employment by police officers; authorizing a law enforcement agency to
40 adopt certain regulations; authorizing a court to order the forfeiture of pension
41 benefits, in whole or in part, for a law enforcement officer who is convicted of a
42 qualifying crime; requiring the Attorney General or the State's Attorney to file a
43 certain complaint in circuit court; establishing certain findings that shall be made
44 when entering an order requiring the forfeiture of benefits; requiring the forfeiture
45 order to indicate the amount of benefits forfeited; requiring a court to consider
46 certain factors when determining the amount of benefits subject to forfeiture;
47 authorizing a court to order a law enforcement officer subject to a forfeiture order to

1 request a return of accumulated contributions to be used for restitution relating to a
 2 qualifying crime; providing that certain forfeiture provisions do not apply to certain
 3 contributions made, service earned, or crimes committed before a certain date;
 4 requiring the Emergency Number Systems Board to conduct a certain study and
 5 submit a certain report; providing for the application of a certain provision of this
 6 Act; requiring a certain publisher, in consultation with and subject to the approval
 7 of the Department of Legislative Services, to correct certain cross-references and
 8 terminology and describe a certain correction in a certain manner; providing for the
 9 intent of the General Assembly that the Maryland Higher Education Commission
 10 adopt certain regulations; providing for a delayed effective date for certain provisions
 11 of this Act; providing for the application of certain provisions of this Act; making
 12 conforming changes; defining certain terms; and generally relating to police reform.

13 BY renumbering

14 Article – Public Safety
 15 Section 1–101(c) and (d) and 3–101(e), respectively
 16 to be Section 1–101(d) and (e) and (c), respectively
 17 Annotated Code of Maryland
 18 (2018 Replacement Volume and 2020 Supplement)

19 BY repealing

20 Article – Public Safety
 21 Section 3–101 through 3–113 and the subtitle “Subtitle 1. Law Enforcement Officers’
 22 Bill of Rights”
 23 Annotated Code of Maryland
 24 (2018 Replacement Volume and 2020 Supplement)

25 ~~BY repealing and reenacting, with amendments,~~

26 ~~The Public Local Laws of Baltimore City~~
 27 ~~Section 16–2(a) and 16–3~~
 28 ~~Article 4 – Public Local Laws of Maryland~~
 29 ~~(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)~~

30 BY repealing and reenacting, with amendments,

31 Article – Criminal Procedure
 32 Section ~~1–203(a)(2)(vi)~~ 1–203(a)
 33 Annotated Code of Maryland
 34 (2018 Replacement Volume and 2020 Supplement)

35 ~~BY adding to~~

36 ~~Article – Criminal Procedure~~
 37 ~~Section 1–203(a)(7)~~
 38 ~~Annotated Code of Maryland~~
 39 ~~(2018 Replacement Volume and 2020 Supplement)~~

40 BY adding to

41 Article – Criminal Procedure

1 Section 2-109
2 Annotated Code of Maryland
3 (2018 Replacement Volume and 2020 Supplement)

4 BY repealing and reenacting, without amendments,
5 Article – Education
6 Section 18-101
7 Annotated Code of Maryland
8 (2018 Replacement Volume and 2020 Supplement)

9 BY adding to
10 Article – Education
11 Section ~~15-106.11~~ 18-3701 through 18-3705 to be under the new subtitle “Subtitle
12 37. Maryland Loan Assistance Repayment Program for Police Officers”; and
13 18-3801 through 18-3807 to be under the new subtitle “Subtitle 38. Maryland
14 Police Officers Scholarship Program”
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article – Public Safety~~
19 ~~Section 3-203, 3-207(g), 3-209, 3-215, 3-511, and 3-516~~
20 ~~Annotated Code of Maryland~~
21 ~~(2018 Replacement Volume and 2020 Supplement)~~

22 ~~BY adding to~~
23 ~~Article – Public Safety~~
24 ~~Section 3-207(j) and (k), 3-508, and 3-523 through 3-526~~
25 ~~Annotated Code of Maryland~~
26 ~~(2018 Replacement Volume and 2020 Supplement)~~

27 BY repealing and reenacting, with amendments,
28 Article – Courts and Judicial Proceedings
29 Section 5-303(a)
30 Annotated Code of Maryland
31 (2020 Replacement Volume)

32 BY repealing and reenacting, with amendments,
33 Article – State Government
34 Section 12-104(a)
35 Annotated Code of Maryland
36 (2014 Replacement Volume and 2020 Supplement)

37 BY repealing and reenacting, without amendments,
38 Article – General Provisions
39 Section 4-101(a) and (c)
40 Annotated Code of Maryland

1 (2019 Replacement Volume and 2020 Supplement)

2 BY adding to
 3 Article – General Provisions
 4 Section 4–101(i) and (l)
 5 Annotated Code of Maryland
 6 (2019 Replacement Volume and 2020 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article – General Provisions
 9 Section 4–101(i) and (j), 4–1A–04, 4–311, and 4–351
 10 Annotated Code of Maryland
 11 (2019 Replacement Volume and 2020 Supplement)

12 BY adding to
 13 Article – Public Safety
 14 Section 3–101 through 3–113 to be under the new subtitle “Subtitle 1. Police
 15 Accountability and Discipline”; 3–207(j) and (k), 3–508, 3–523, and 3–524
 16 Annotated Code of Maryland
 17 (2018 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,
 19 Article – Public Safety
 20 Section 3–203, 3–207(a)(16) and (g), 3–209, 3–212, 3–215, 3–511, 3–514, 3–515, and
 21 3–516
 22 Annotated Code of Maryland
 23 (2018 Replacement Volume and 2020 Supplement)

24 BY adding to
 25 Article – State Personnel and Pensions
 26 Section 20–210
 27 Annotated Code of Maryland
 28 (2015 Replacement Volume and 2020 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 30 That Section(s) 1–101(c) and (d) and 3–101(e), respectively, of Article – Public Safety of the
 31 Annotated Code of Maryland be renumbered to be Section(s) 1–101(d) and (e) and (c),
 32 respectively.

33 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3–101 through
 34 3–113 and the subtitle “Subtitle 1. Law Enforcement Officers’ Bill of Rights” of Article –
 35 Public Safety of the Annotated Code of Maryland be repealed.

36 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 37 as follows:

38 ~~Article 4 – Baltimore City~~

1 ~~16-2.~~

2 ~~(a) The Police Department of Baltimore City is hereby constituted and~~
 3 ~~established as an agency and instrumentality of the [State of Maryland] CITY OF~~
 4 ~~BALTIMORE. The purpose generally of the department shall be to safeguard the lives and~~
 5 ~~safety of all persons within the City of Baltimore, to protect property therein, and to assist~~
 6 ~~in securing to all persons the equal protection of the laws. The department shall have,~~
 7 ~~within the boundaries of said city, the specific duty and responsibility to preserve the public~~
 8 ~~peace; to detect and prevent the commission of crime; to enforce the laws of this State, and~~
 9 ~~of the Mayor and City Council of Baltimore not inconsistent with the provisions of this~~
 10 ~~subtitle; to apprehend and arrest criminals and persons who violate or are lawfully accused~~
 11 ~~of violating such laws and ordinances; to preserve order at public places; to maintain the~~
 12 ~~orderly flow of traffic on public streets and highways; to assist law enforcement agencies of~~
 13 ~~this State, any municipality of the United States in carrying out their respective duties;~~
 14 ~~and to discharge its duties and responsibilities with the dignity and manner which will~~
 15 ~~inspire public confidence and respect.~~

16 ~~16-3.~~

17 ~~(a) All police officers of the department, including such other members thereof~~
 18 ~~who may be designated by the Commissioner from time to time to exercise the powers and~~
 19 ~~duties of police officers, shall [be peace officers and shall have the same powers, with~~
 20 ~~respect to criminal matters, and the enforcement of the laws related thereto, as sheriffs,~~
 21 ~~constables, police and peace officers possessed at common law and have in their respective~~
 22 ~~jurisdictions. Any person charged with commission of crime in the City of Baltimore, or in~~
 23 ~~those areas outside the corporate limits of Baltimore City owned, controlled, operated or~~
 24 ~~leased by the Mayor and City Council of Baltimore, and against whom criminal process~~
 25 ~~shall have issued, may be arrested upon the same in any part of the State by police officers~~
 26 ~~of the department, as constituted and established by this subtitle] HAVE THE AUTHORITY~~
 27 ~~CONFERRED UNDER TITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE OF THE~~
 28 ~~ANNOTATED CODE OF MARYLAND.~~

29 ~~(b) All police officers of the department shall have and enjoy all the immunities~~
 30 ~~and matters of defense now available, or such as hereafter may be made available, to~~
 31 ~~sheriffs, constables, police and peace officers in any suit, civil or criminal, brought against~~
 32 ~~them in consequence of acts done in the course of their official duties.~~

33 Article – Criminal Procedure

34 1-203.

35 ~~(a) (2) (vi) (1)~~ IN THIS SUBSECTION, “NO-KNOCK SEARCH
 36 WARRANT” MEANS A SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW
 37 ENFORCEMENT OFFICER TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR
 38 THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY

1 OR PURPOSE.

2 (2) A circuit court judge or District Court judge may issue forthwith a
3 search warrant whenever it is made to appear to the judge, by application as described in
4 paragraph [(2)] (3) of this subsection, that there is probable cause to believe that:

5 (i) a misdemeanor or felony is being committed by a person or in a
6 building, apartment, premises, place, or thing within the territorial jurisdiction of the
7 judge; or

8 (ii) property subject to seizure under the criminal laws of the State
9 is on the person or in or on the building, apartment, premises, place, or thing.

10 [(2)] (3) (i) An application for a search warrant shall be:

11 1. in writing;

12 2. signed, dated, and sworn to by the applicant; and

13 3. accompanied by an affidavit that:

14 A. sets forth the basis for probable cause as described in
15 paragraph (1) of this subsection; and

16 B. contains facts within the personal knowledge of the affiant
17 that there is probable cause.

18 (ii) An application for a search warrant may be submitted to a judge:

19 1. by in-person delivery of the application, the affidavit, and
20 a proposed search warrant;

21 2. by secure fax, if a complete and printable image of the
22 application, the affidavit, and a proposed search warrant are submitted; or

23 3. by secure electronic mail, if a complete and printable
24 image of the application, the affidavit, and a proposed search warrant are submitted.

25 (iii) The applicant and the judge may converse about the search
26 warrant application:

27 1. in person;

28 2. via telephone; or

29 3. via video.

1 (iv) The judge may issue the search warrant:

2 1. by signing the search warrant, indicating the date and
3 time of issuance on the search warrant, and physically delivering the signed and dated
4 search warrant, the application, and the affidavit to the applicant;

5 2. by signing the search warrant, writing the date and time
6 of issuance on the search warrant, and sending complete and printable images of the signed
7 and dated search warrant, the application, and the affidavit to the applicant by secure fax;
8 or

9 3. by signing the search warrant, either electronically or in
10 writing, indicating the date and time of issuance on the search warrant, and sending
11 complete and printable images of the signed and dated search warrant, the application, and
12 the affidavit to the applicant by secure electronic mail.

13 (v) The judge shall file a copy of the signed and dated search
14 warrant, the application, and the affidavit with the court.

15 (vi) 1. ~~An~~ IF APPROVED IN WRITING BY A POLICE
16 SUPERVISOR AND THE STATE'S ATTORNEY, AN application for a search warrant may
17 contain a request that the search warrant ~~authorize the executing law enforcement officer~~
18 ~~to enter the building, apartment, premises, place, or thing to be searched without giving~~
19 ~~notice of the officer's authority or purpose~~ **BE A NO-KNOCK SEARCH WARRANT**, on the
20 **[grounds] GROUND** that there is **[reasonable suspicion to believe] CLEAR AND**
21 **CONVINCING EVIDENCE** that, without the authorization[:

22 1. the property subject to seizure may be destroyed, disposed
23 of, or secreted; or

24 2.] the life or safety of the executing officer or another person
25 may be endangered.

26 2. AN APPLICATION FOR A NO-KNOCK SEARCH
27 WARRANT UNDER THIS SUBPARAGRAPH SHALL CONTAIN:

28 A. A DESCRIPTION OF THE CLEAR AND CONVINCING
29 EVIDENCE IN SUPPORT OF THE APPLICATION;

30 B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES
31 THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED
32 TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;

1 C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO
 2 DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE
 3 METHODS;

4 D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS
 5 WHO WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE
 6 SAME TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM
 7 MEMBERS;

8 E. A STATEMENT AS TO WHETHER THE SEARCH
 9 WARRANT CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT,
 10 WHAT FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT
 11 HOURS; AND

12 F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE
 13 PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY
 14 INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE
 15 PREMISES, IF KNOWN.

16 ~~[(3)]~~ (4) The search warrant shall:

17 (i) be directed to a duly constituted police officer, the State Fire
 18 Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire
 19 Marshal and authorize the police officer, the State Fire Marshal, or a full-time
 20 investigative and inspection assistant of the Office of the State Fire Marshal to search the
 21 suspected person, building, apartment, premises, place, or thing and to seize any property
 22 found subject to seizure under the criminal laws of the State;

23 (ii) name or describe, with reasonable particularity:

24 1. the person, building, apartment, premises, place, or thing
 25 to be searched;

26 2. the grounds for the search; and

27 3. the name of the applicant on whose application the search
 28 warrant was issued; and

29 (iii) if warranted by application as described in paragraph [(2)] (3) of
 30 this subsection, authorize the executing law enforcement officer to enter the building,
 31 apartment, premises, place, or thing to be searched without giving notice of the officer's
 32 authority or purpose.

1 ~~[(4)] (5)~~ (i) The search and seizure under the authority of a search
2 warrant shall be made within [15] 7 calendar days after the day that the search warrant
3 is issued.

4 (ii) After the expiration of the [15-day] 7-DAY period, the search
5 warrant is void.

6 ~~[(5)] (6)~~ The executing law enforcement officer shall give a copy of the
7 search warrant, the application, and the affidavit to an authorized occupant of the premises
8 searched or leave a copy of the search warrant, the application, and the affidavit at the
9 premises searched.

10 ~~[(6)] (7)~~ (i) The executing law enforcement officer shall prepare a
11 detailed search warrant return which shall include the date and time of the execution of
12 the search warrant.

13 (ii) The executing law enforcement officer shall:

14 1. give a copy of the search warrant return to an authorized
15 occupant of the premises searched or leave a copy of the return at the premises searched;
16 and

17 2. file a copy of the search warrant return with the court in
18 person, by secure fax, or by secure electronic mail.

19 ~~(7)~~ (8) (I) IN THIS PARAGRAPH, “EXIGENT CIRCUMSTANCES”
20 RETAINS ITS JUDICIALLY DETERMINED MEANING.

21 (II) A WARRANT TO SEARCH A RESIDENCE SHALL BE EXECUTED
22 BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.

23 (III) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER
24 SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,
25 WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION
26 NUMBER OF THE POLICE OFFICER.

27 (IV) A POLICE OFFICER EXECUTING A SEARCH WARRANT SHALL
28 USE A BODY CAMERA DURING THE COURSE OF THE SEARCH IN ACCORDANCE WITH
29 THE POLICIES ESTABLISHED BY THE POLICE OFFICER’S LAW ENFORCEMENT
30 AGENCY.

31 (V) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A
32 POLICE OFFICER SHALL ALLOW A MINIMUM OF 30 SECONDS FOR THE OCCUPANTS
33 OF A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER
34 ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.

1 (VI) A POLICE OFFICER MAY NOT USE FLASH BANG, STUN,
 2 DISTRACTION, OR OTHER SIMILAR MILITARY–STYLE DEVICES WHEN EXECUTING A
 3 SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.

4 2-109.

5 (A) AT THE COMMENCEMENT OF A TRAFFIC STOP OR OTHER STOP, ABSENT
 6 EXIGENT CIRCUMSTANCES, A POLICE OFFICER SHALL:

7 (1) DISPLAY PROPER IDENTIFICATION TO THE STOPPED INDIVIDUAL;
 8 AND

9 (2) PROVIDE THE FOLLOWING INFORMATION TO THE STOPPED
 10 INDIVIDUAL:

11 (I) THE OFFICER’S NAME;

12 (II) THE OFFICER’S BADGE NUMBER;

13 (III) THE NAME OF THE LAW ENFORCEMENT AGENCY THE POLICE
 14 OFFICER IS REPRESENTING; AND

15 (IV) THE REASON FOR THE TRAFFIC STOP OR OTHER STOP.

16 (B) A POLICE OFFICER MAY NOT PROHIBIT OR PREVENT A CITIZEN FROM
 17 RECORDING THE POLICE OFFICER’S ACTIONS IF THE CITIZEN IS OTHERWISE ACTING
 18 LAWFULLY.

19 Article – Education

20 ~~15-106.11.~~

21 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
 22 ~~INDICATED.~~

23 ~~(2) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE~~
 24 ~~PUBLIC SAFETY ARTICLE.~~

25 ~~(3) “TUITION” MEANS THE CHARGES IMPOSED BY AN INSTITUTION OF~~
 26 ~~HIGHER EDUCATION FOR ALL CREDIT BEARING COURSES REQUIRED AS A~~
 27 ~~CONDITION OF ENROLLMENT AT THE INSTITUTION.~~

28 ~~(B) AN INDIVIDUAL ATTENDING A PUBLIC INSTITUTION OF HIGHER~~

~~EDUCATION IS EXEMPT FROM PAYING TUITION IF THE INDIVIDUAL:~~

~~(1) IS ENROLLED IN A 4-YEAR DEGREE PROGRAM IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE;~~

~~(2) IS ELIGIBLE FOR IN-STATE TUITION; AND~~

~~(3) INTENDS TO BECOME A POLICE OFFICER AFTER GRADUATION.~~

~~(C) AN INDIVIDUAL WHO HAS RECEIVED AN EXEMPTION FROM TUITION PAYMENT UNDER SUBSECTION (B) OF THIS SECTION SHALL PAY TO THE INSTITUTION THE TOTAL VALUE OF THE TUITION EXEMPTION RECEIVED IF THE INDIVIDUAL FAILS TO:~~

~~(1) EARN A 4-YEAR DEGREE IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE WITHIN 7 YEARS AFTER STARTING THE PROGRAM; AND~~

~~(2) WORK AS A POLICE OFFICER FOR AT LEAST 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.~~

~~(D) THE MARYLAND HIGHER EDUCATION COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

18-101.

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

(b) “Commission” means the Maryland Higher Education Commission.

(c) “Office” means the Office of Student Financial Assistance.

(d) “Secretary” means the Secretary of Higher Education.

SUBTITLE 37. MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR POLICE OFFICERS.

18-3701.

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

(B) “ELIGIBLE EMPLOYMENT” MEANS TO WORK AS A POLICE OFFICER IN THE STATE FOR AT LEAST 2 YEARS.

(C) “HIGHER EDUCATION LOAN” MEANS A LOAN THAT IS OBTAINED FOR

1 TUITION FOR UNDERGRADUATE STUDY LEADING TO A DEGREE IN CRIMINAL LAW,
2 CRIMINOLOGY, OR CRIMINAL JUSTICE.

3 (D) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
4 PUBLIC SAFETY ARTICLE.

5 (E) “PROGRAM” MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT
6 PROGRAM FOR POLICE OFFICERS.

7 18-3702.

8 (A) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR
9 POLICE OFFICERS IN THE STATE.

10 (B) THE OFFICE SHALL DISTRIBUTE FUNDS FROM THE PROGRAM TO ASSIST
11 IN THE REPAYMENT OF A HIGHER EDUCATION LOAN OWED BY A POLICE OFFICER
12 WHO:

13 (1) RECEIVES A GRADUATE, PROFESSIONAL, OR UNDERGRADUATE
14 DEGREE FROM A PUBLIC COLLEGE OR UNIVERSITY IN THE STATE;

15 (2) OBTAINS ELIGIBLE EMPLOYMENT; AND

16 (3) SATISFIES ANY OTHER CRITERIA ESTABLISHED BY THE OFFICE.

17 18-3703.

18 (A) THE OFFICE SHALL ADOPT REGULATIONS TO CARRY OUT THIS
19 SUBTITLE.

20 (B) THE REGULATIONS SHALL INCLUDE A LIMIT ON THE TOTAL AMOUNT OF
21 ASSISTANCE PROVIDED BY THE OFFICE IN REPAYING THE LOAN OF AN ELIGIBLE
22 INDIVIDUAL, BASED ON THE INDIVIDUAL’S TOTAL INCOME AND OUTSTANDING
23 HIGHER EDUCATION LOAN BALANCE.

24 18-3704.

25 THE GOVERNOR SHALL INCLUDE AN ANNUAL APPROPRIATION OF AT LEAST
26 \$1,500,000 IN THE STATE BUDGET FOR THE PROGRAM.

27 18-3705.

28 SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE OFFICE
29 SHALL REPORT TO THE GENERAL ASSEMBLY BY JANUARY 1 EACH YEAR ON THE

1 IMPLEMENTATION OF THE PROGRAM.

2 SUBTITLE 38. MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

3 18-3801.

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

6 (B) “ELIGIBLE INSTITUTION” MEANS A PUBLIC SENIOR HIGHER EDUCATION
7 INSTITUTION IN THE STATE.

8 (C) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
9 PUBLIC SAFETY ARTICLE.

10 (D) “SERVICE OBLIGATION” MEANS TO WORK AS A POLICE OFFICER IN THE
11 STATE NOT LESS THAN 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.

12 18-3802.

13 (A) THERE IS A MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

14 (B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TUITION ASSISTANCE
15 FOR STUDENTS:

16 (1) ATTENDING A 4-YEAR DEGREE PROGRAM IN CRIMINAL LAW,
17 CRIMINOLOGY, OR CRIMINAL JUSTICE AT AN ELIGIBLE INSTITUTION WITH THE
18 INTENT TO BE A POLICE OFFICER AFTER GRADUATION; OR

19 (2) WHO ARE CURRENTLY POLICE OFFICERS ATTENDING A 4-YEAR
20 DEGREE PROGRAM IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE AT AN
21 ELIGIBLE INSTITUTION.

22 (C) THE OFFICE SHALL PUBLICIZE THE AVAILABILITY OF THE MARYLAND
23 POLICE OFFICERS SCHOLARSHIP.

24 18-3803.

25 (A) THE OFFICE SHALL ANNUALLY SELECT ELIGIBLE STUDENTS AND
26 OFFER A SCHOLARSHIP TO EACH STUDENT SELECTED TO BE USED AT AN ELIGIBLE
27 INSTITUTION OF THE STUDENT’S CHOICE.

28 (B) A RECIPIENT OF THE MARYLAND POLICE OFFICERS SCHOLARSHIP
29 SHALL:

1 **(1) BE A MARYLAND RESIDENT OR HAVE GRADUATED FROM A**
2 **MARYLAND HIGH SCHOOL;**

3 **(2) BE ACCEPTED FOR ADMISSION OR CURRENTLY ENROLLED AT AN**
4 **ELIGIBLE INSTITUTION AS A FULL-TIME OR PART-TIME UNDERGRADUATE OR**
5 **GRADUATE STUDENT PURSUING A COURSE OF STUDY OR PROGRAM IN CRIMINAL**
6 **LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE;**

7 **(3) SIGN A LETTER OF INTENT TO PERFORM THE SERVICE**
8 **OBLIGATION ON COMPLETION OF THE RECIPIENT'S REQUIRED STUDIES; AND**

9 **(4) SATISFY ANY ADDITIONAL CRITERIA THE COMMISSION MAY**
10 **ESTABLISH.**

11 **(C) A CURRENT POLICE OFFICER SHALL BE ELIGIBLE FOR A MARYLAND**
12 **POLICE OFFICERS SCHOLARSHIP IF THEY MEET THE ELIGIBILITY CRITERIA UNDER**
13 **SUBSECTION (B) OF THIS SECTION.**

14 **18-3804.**

15 **THE RECIPIENT OF A MARYLAND POLICE OFFICERS SCHOLARSHIP SHALL**
16 **REPAY THE COMMISSION THE FUNDS RECEIVED AS SET FORTH IN § 18-112 OF THIS**
17 **TITLE IF THE RECIPIENT DOES NOT:**

18 **(1) SATISFY THE DEGREE REQUIREMENTS OF THE ELIGIBLE COURSE**
19 **OF STUDY OR PROGRAM OR FULFILL OTHER REQUIREMENTS AS PROVIDED IN THIS**
20 **SUBTITLE; OR**

21 **(2) PERFORM THE SERVICE OBLIGATION TO WORK AS A POLICE**
22 **OFFICER FOR AT LEAST 5 YEARS DURING THE 8-YEAR PERIOD AFTER GRADUATION.**

23 **18-3805.**

24 **THE ANNUAL SCHOLARSHIP AWARD SHALL BE 50% OF THE EQUIVALENT**
25 **ANNUAL TUITION AND MANDATORY FEES OF A RESIDENT UNDERGRADUATE**
26 **STUDENT AT THE ELIGIBLE INSTITUTION.**

27 **18-3806.**

28 **THE GOVERNOR SHALL ANNUALLY INCLUDE IN THE BUDGET BILL AN**
29 **APPROPRIATION OF AT LEAST \$8,500,000 TO THE COMMISSION TO AWARD**
30 **SCHOLARSHIPS UNDER THIS SUBTITLE, AND THE COMMISSION SHALL USE:**

31 **(1) \$6,000,000 FOR SCHOLARSHIPS TO STUDENTS INTENDING TO**

1 BECOME POLICE OFFICERS AFTER GRADUATION; AND

2 (2) \$2,500,000 FOR SCHOLARSHIPS FOR EXISTING POLICE OFFICERS
3 TO ATTEND AN ELIGIBLE INSTITUTION AND REMAIN A POLICE OFFICER AFTER
4 GRADUATION.

5 18-3807.

6 THE OFFICE SHALL:

7 (1) PUBLICIZE THE AVAILABILITY OF MARYLAND POLICE OFFICERS
8 SCHOLARSHIPS; AND

9 (2) TO THE EXTENT PRACTICABLE, AWARD SCHOLARSHIPS UNDER
10 THIS SUBTITLE IN A MANNER THAT REFLECTS ETHNIC, GENDER, RACIAL, AND
11 GEOGRAPHIC DIVERSITY.

12 Article – Public Safety

13 3-523.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) “EMPLOYEE ASSISTANCE PROGRAM” MEANS A WORK-BASED
17 PROGRAM OFFERED TO ALL POLICE OFFICERS THAT PROVIDES ACCESS TO
18 VOLUNTARY AND CONFIDENTIAL SERVICES TO ADDRESS THE MENTAL HEALTH
19 ISSUES OF A POLICE OFFICER STEMMING FROM PERSONAL AND WORK-RELATED
20 CONCERNS, INCLUDING STRESS, FINANCIAL ISSUES, LEGAL ISSUES, FAMILY
21 PROBLEMS, OFFICE CONFLICTS, AND ALCOHOL AND SUBSTANCE ABUSE DISORDERS.

22 (3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
23 3-201 OF THIS TITLE.

24 (4) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
25 TITLE.

26 (B) EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE ACCESS TO AN
27 EMPLOYEE ASSISTANCE PROGRAM OR A MENTAL HEALTH PROGRAM FOR ALL
28 POLICE OFFICERS THAT THE LAW ENFORCEMENT AGENCY EMPLOYS.

29 (C) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION
30 SHALL PROVIDE POLICE OFFICERS ACCESS TO CONFIDENTIAL MENTAL HEALTH
31 SERVICES, INCLUDING:

- 1 **(1) COUNSELING SERVICES;**
 2 **(2) CRISIS COUNSELING;**
 3 **(3) STRESS MANAGEMENT COUNSELING;**
 4 **(4) RESILIENCY SESSIONS; AND**
 5 **(5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.**

6 **(D) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS SUBTITLE, AS**
 7 **PART OF THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, EACH**
 8 **LAW ENFORCEMENT AGENCY SHALL PROVIDE TO ALL POLICE OFFICERS THE**
 9 **AGENCY EMPLOYS A VOLUNTARY MENTAL HEALTH CONSULTATION OR COUNSELING**
 10 **SERVICES BEFORE THE POLICE OFFICER RETURNS TO FULL DUTY FOLLOWING ANY**
 11 **INCIDENT INVOLVING:**

- 12 **(1) A SERIOUS INJURY TO THE POLICE OFFICER;**
 13 **(2) AN OFFICER-INVOLVED SHOOTING;**
 14 **(3) AN ACCIDENT RESULTING IN A FATALITY; OR**
 15 **(4) ANY USE OF FORCE RESULTING IN A FATALITY OR SERIOUS**
 16 **INJURY.**

17 **(E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION**
 18 **SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF**
 19 **POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.**

20 **(F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO**
 21 **PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT MINIMAL COST**
 22 **TO A POLICE OFFICER.**

23 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 24 as follows:

25 **Article – Courts and Judicial Proceedings**

26 **5-303.**

27 (a) (1) **[Subject to paragraph (2)] EXCEPT AS PROVIDED IN PARAGRAPHS**
 28 **(2) AND (3) of this subsection, the liability of a local government may not exceed \$400,000**
 29 **per an individual claim, and \$800,000 per total claims that arise from the same occurrence**

1 for damages resulting from tortious acts or omissions, or liability arising under subsection
2 (b) of this section and indemnification under subsection (c) of this section.

3 (2) The limits on liability provided under paragraph (1) of this subsection
4 do not include interest accrued on a judgment.

5 (3) IF THE LIABILITY OF A LOCAL GOVERNMENT ARISES FROM
6 TORTIOUS ACTS OR OMISSIONS COMMITTED BY A LAW ENFORCEMENT OFFICER, THE
7 FOLLOWING LIMITS ON LIABILITY APPLY:

8 (I) 1. SUBJECT TO ITEM 2 OF THIS ITEM AND ITEM (II) OF
9 THIS PARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND
10 NONECONOMIC DAMAGES MAY NOT EXCEED A TOTAL OF \$890,000; AND

11 2. A. THE LIMITATION ON NONECONOMIC DAMAGES
12 PROVIDED UNDER ITEM 1 OF THIS ITEM SHALL INCREASE BY \$15,000 ON OCTOBER
13 1 EACH YEAR BEGINNING OCTOBER 1, 2022; AND

14 B. THE INCREASED AMOUNT SHALL APPLY TO CAUSES
15 OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF
16 THE FOLLOWING YEAR, INCLUSIVE; AND

17 (II) 1. THE LIMITATION ESTABLISHED UNDER ITEM (I) OF
18 THIS PARAGRAPH SHALL APPLY IN A PERSONAL INJURY ACTION TO EACH DIRECT
19 VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY OR
20 THROUGH THAT VICTIM; AND

21 2. IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE
22 TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC
23 DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ITEM
24 (I) OF THIS PARAGRAPH, REGARDLESS OF THE NUMBER OF CLAIMANTS OR
25 BENEFICIARIES WHO SHARE IN THE AWARD.

26 Article – State Government

27 12–104.

28 (a) (1) Subject to the exclusions and limitations in this subtitle and
29 notwithstanding any other provision of law, the immunity of the State and of its units is
30 waived as to a tort action, in a court of the State, to the extent provided under paragraph
31 (2) of this subsection.

32 (2) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
33 PARAGRAPH, THE liability of the State and its units may not exceed \$400,000 to a single
34 claimant for injuries arising from a single incident or occurrence.

1 **(II) IF LIABILITY OF THE STATE OR ITS UNITS ARISES FROM**
 2 **TORTIOUS ACTS OR OMISSIONS COMMITTED BY A LAW ENFORCEMENT OFFICER, THE**
 3 **FOLLOWING LIMITS ON LIABILITY SHALL APPLY:**

4 **1. A. SUBJECT TO ITEM B OF THIS ITEM AND ITEM 2**
 5 **OF THIS SUBPARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND**
 6 **NONECONOMIC DAMAGES SHALL NOT EXCEED A TOTAL OF \$890,000;**

7 **B. THE LIMITATION ON NONECONOMIC DAMAGES**
 8 **PROVIDED UNDER ITEM A OF THIS ITEM SHALL INCREASE BY \$15,000 ON OCTOBER**
 9 **1 EACH YEAR BEGINNING OCTOBER 1, 2022; AND**

10 **C. THE INCREASED AMOUNT SHALL APPLY TO CAUSES**
 11 **OF ACTION ARISING BETWEEN OCTOBER 1 OF THAT YEAR AND SEPTEMBER 30 OF**
 12 **THE FOLLOWING YEAR, INCLUSIVE; AND**

13 **2. A. THE LIMITATION ESTABLISHED UNDER ITEM 1**
 14 **OF THIS SUBPARAGRAPH SHALL APPLY IN A PERSONAL INJURY ACTION TO EACH**
 15 **DIRECT VICTIM OF TORTIOUS CONDUCT AND ALL PERSONS WHO CLAIM INJURY BY**
 16 **OR THROUGH THAT VICTIM; AND**

17 **B. IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE**
 18 **TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC**
 19 **DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ITEM 1**
 20 **OF THIS ITEM, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES**
 21 **WHO SHARE IN THE AWARD.**

22 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 23 as follows:

24 **Article – General Provisions**

25 4–101.

26 (a) In this title the following words have the meanings indicated.

27 (c) “Board” means the State Public Information Act Compliance Board.

28 **(i) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THE**
 29 **PUBLIC SAFETY ARTICLE.**

30 **[(i)] (j) “Political subdivision” means:**

31 (1) a county;

1 (2) a municipal corporation;

2 (3) an unincorporated town;

3 (4) a school district; or

4 (5) a special district.

5 ~~(j)~~ **(K)** (1) “Public record” means the original or any copy of any
6 documentary material that:

7 (i) is made by a unit or an instrumentality of the State or of a
8 political subdivision or received by the unit or instrumentality in connection with the
9 transaction of public business; and

10 (ii) is in any form, including:

11 1. a card;

12 2. a computerized record;

13 3. correspondence;

14 4. a drawing;

15 5. film or microfilm;

16 6. a form;

17 7. a map;

18 8. a photograph or photostat;

19 9. a recording; or

20 10. a tape.

21 (2) “Public record” includes a document that lists the salary of an employee
22 of a unit or an instrumentality of the State or of a political subdivision.

23 (3) “Public record” does not include a digital photographic image or
24 signature of an individual, or the actual stored data of the image or signature, recorded by
25 the Motor Vehicle Administration.

26 **(L) “TECHNICAL INFRACTION” MEANS A MINOR RULE VIOLATION BY AN**
27 **INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES**

1 THAT:

2 (1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF
3 THE PUBLIC AND THE INDIVIDUAL;

4 (2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,
5 ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND

6 (3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.

7 4-1A-04.

8 (a) The Board shall:

9 (1) receive, review, and, subject to § 4-1A-07 of this subtitle, resolve
10 complaints filed under § 4-1A-05 of this subtitle from any applicant or the applicant's
11 designated representative alleging that a custodian charged an unreasonable fee under §
12 4-206 of this title;

13 (2) issue a written opinion as to whether a violation has occurred; and

14 (3) if the Board finds that the custodian charged an unreasonable fee under
15 § 4-206 of this title, order the custodian to reduce the fee to an amount determined by the
16 Board to be reasonable and refund the difference.

17 (B) THE BOARD SHALL:

18 (1) RECEIVE, REVIEW, AND RESOLVE COMPLAINTS FILED FROM ANY
19 CUSTODIAN ALLEGING THAT AN APPLICANT'S REQUEST OR PATTERN OF REQUESTS
20 IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH;

21 (2) ISSUE A WRITTEN DECISION AS TO WHETHER THE APPLICANT'S
22 REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH;
23 AND

24 (3) IF THE BOARD FINDS THAT THE APPLICANT'S REQUEST OR
25 PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH, BASED ON THE
26 TOTALITY OF THE CIRCUMSTANCES INCLUDING THE NUMBER AND SCOPE OF THE
27 APPLICANT'S PAST REQUESTS AND THE CUSTODIAN'S RESPONSES TO PAST
28 REQUESTS AND EFFORTS TO COOPERATE WITH THE APPLICANT, ISSUE AN ORDER
29 AUTHORIZING THE CUSTODIAN TO:

30 (I) IGNORE THE REQUEST THAT IS THE SUBJECT OF THE
31 CUSTODIAN'S COMPLAINT; OR

1 **(II) RESPOND TO A LESS BURDENSOME VERSION OF THE**
2 **REQUEST WITHIN A REASONABLE TIME FRAME, AS DETERMINED BY THE BOARD.**

3 **[(b)] (C)** The Board shall:

4 (1) study ongoing compliance with this title by custodians; and

5 (2) make recommendations to the General Assembly for improvements to
6 this title.

7 **[(c)] (D)** (1) On or before October 1 of each year, the Board shall submit a
8 report to the Governor and, subject to § 2-1257 of the State Government Article, the
9 General Assembly.

10 (2) The report shall:

11 (i) describe the activities of the Board;

12 (ii) describe the opinions of the Board;

13 (iii) state the number and nature of complaints filed with the Board;
14 and

15 (iv) recommend any improvements to this title.

16 4-311.

17 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
18 personnel record of an individual, including an application, a performance rating, or
19 scholastic achievement information.

20 (b) A custodian shall allow inspection by:

21 (1) the person in interest;

22 (2) an elected or appointed official who supervises the work of the
23 individual; [or]

24 (3) an employee organization described in Title 6 of the Education Article
25 of the portion of the personnel record that contains the individual's:

26 (i) home address;

27 (ii) home telephone number; and

28 (iii) personal cell phone number;

1 **(4) THE UNITED STATES ATTORNEY;**

2 **(5) THE ATTORNEY GENERAL;**

3 **(6) THE STATE PROSECUTOR; OR**

4 **(7) A STATE'S ATTORNEY.**

5 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
6 **RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF**
7 **MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS**
8 **INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A**
9 **DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS**
10 **SECTION.**

11 **(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL**
12 **RECORD FOR THE PURPOSES OF THIS SECTION.**

13 4-351.

14 **(a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a**
15 **custodian may deny inspection of:**

16 **(1) records of investigations conducted by the Attorney General, a State's**
17 **Attorney, a municipal or county attorney, a police department, or a sheriff;**

18 **(2) an investigatory file compiled for any other law enforcement, judicial,**
19 **correctional, or prosecution purpose; [or]**

20 **(3) records that contain intelligence information or security procedures of**
21 **the Attorney General, a State's Attorney, a municipal or county attorney, a police**
22 **department, a State or local correctional facility, or a sheriff; OR**

23 **(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,**
24 **RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT**
25 **BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,**
26 **A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.**

27 **(b) A custodian may deny inspection by a person in interest only to the extent**
28 **that the inspection would:**

29 **(1) interfere with a valid and proper law enforcement proceeding;**

30 **(2) deprive another person of a right to a fair trial or an impartial**

1 adjudication:

2 (3) constitute an unwarranted invasion of personal privacy;

3 (4) disclose the identity of a confidential source;

4 (5) disclose an investigative technique or procedure;

5 (6) prejudice an investigation; or

6 (7) endanger the life or physical safety of an individual.

7 (C) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN
8 SUBSECTION (A)(4) OF THIS SECTION BY:

9 (1) THE UNITED STATES ATTORNEY;

10 (2) THE ATTORNEY GENERAL;

11 (3) THE STATE PROSECUTOR; OR

12 (4) A STATE'S ATTORNEY.

13 (D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
14 CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION
15 (A)(4) OF THIS SECTION:

16 (1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR

17 (2) TO THE EXTENT THAT THE RECORD REFLECTS:

18 (I) MEDICAL INFORMATION;

19 (II) PERSONAL CONTACT INFORMATION OF THE PERSON IN
20 INTEREST;

21 (III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN
22 INTEREST; OR

23 (IV) WITNESS INFORMATION.

24 (E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD
25 DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS
26 INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE
27 PERSON IN INTEREST.

1 SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
2 as follows:

3 **Article – Public Safety**

4 **SUBTITLE 1. POLICE ACCOUNTABILITY AND DISCIPLINE.**

5 **3–101.**

6 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
7 **INDICATED.**

8 **(B) “ADMINISTRATIVELY CHARGED” MEANS THAT A POLICE OFFICER HAS**
9 **BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE PROCEEDING.**

10 **(C) “DISCIPLINARY MATRIX” MEANS A WRITTEN, CONSISTENT,**
11 **PROGRESSIVE, AND TRANSPARENT TOOL OR RUBRIC THAT PROVIDES RANGES OF**
12 **DISCIPLINARY ACTIONS FOR DIFFERENT TYPES OF MISCONDUCT.**

13 **(D) “EXONERATED” MEANS THAT A POLICE OFFICER ACTED IN**
14 **ACCORDANCE WITH THE LAW AND AGENCY POLICY.**

15 **(E) “INDEPENDENT INVESTIGATIVE AGENCY” MEANS THE AGENCY**
16 **ESTABLISHED UNDER § 3–102 OF THIS SUBTITLE.**

17 **(F) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3–201**
18 **OF THIS TITLE.**

19 **(G) “NOT ADMINISTRATIVELY CHARGED” MEANS THAT A DETERMINATION**
20 **HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE OFFICER IN**
21 **CONNECTION WITH ALLEGED MISCONDUCT.**

22 **(H) “POLICE MISCONDUCT” MEANS A PATTERN, A PRACTICE, OR CONDUCT**
23 **BY A POLICE OFFICER OR LAW ENFORCEMENT AGENCY THAT INCLUDES:**

24 **(1) DEPRIVING PERSONS OF RIGHTS PROTECTED BY THE**
25 **CONSTITUTION OR LAWS OF THE STATE OR THE UNITED STATES;**

26 **(2) A VIOLATION OF A CRIMINAL STATUTE; AND**

27 **(3) A VIOLATION OF LAW ENFORCEMENT AGENCY STANDARDS AND**
28 **POLICIES.**

29 **(I) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THIS**

1 TITLE.

2 (J) “SERIOUS PHYSICAL INJURY” HAS THE MEANING STATED IN § 3-201 OF
3 THE CRIMINAL LAW ARTICLE.

4 (K) “SUPERIOR GOVERNMENTAL AUTHORITY” MEANS THE GOVERNING
5 BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.

6 (L) “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A POLICE
7 OFFICER ARE NOT SUPPORTED BY FACT.

8 3-102.

9 (A) THE INDEPENDENT INVESTIGATIVE AGENCY IS ESTABLISHED AS AN
10 INDEPENDENT UNIT OF STATE GOVERNMENT FOR THE PURPOSE OF INVESTIGATING
11 USE OF FORCE INCIDENTS INVOLVING POLICE OFFICERS.

12 (B) THE INDEPENDENT INVESTIGATIVE AGENCY MAY EMPLOY SWORN
13 POLICE OFFICERS AND CIVILIANS TO CONDUCT ITS WORK.

14 (C) A SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER INCIDENT
15 INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR
16 SERIOUS PHYSICAL INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT
17 INVESTIGATIVE AGENCY.

18 (D) A LAW ENFORCEMENT AGENCY SHALL:

19 (1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY
20 ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER
21 INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING
22 DEATH OR SERIOUS PHYSICAL INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY
23 BECOMES AWARE OF THE INCIDENT; AND

24 (2) COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN
25 THE INVESTIGATION OF THE INCIDENT.

26 (E) (1) ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION,
27 THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING
28 THE FINDINGS OF THE INVESTIGATION TO THE STATE’S ATTORNEY WITH
29 JURISDICTION OVER THE MATTER.

30 (2) AFTER THE STATE’S ATTORNEY MAKES A DECISION WHETHER OR
31 NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE
32 THE REPORT.

1 **(F) THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE**
2 **BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE**
3 **INDEPENDENT INVESTIGATIVE AGENCY.**

4 **3-103.**

5 **(A) EACH COUNTY SHALL HAVE A POLICE ACCOUNTABILITY BOARD TO:**

6 **(1) HOLD QUARTERLY MEETINGS WITH HEADS OF LAW**
7 **ENFORCEMENT AGENCIES AND OTHERWISE WORK WITH LAW ENFORCEMENT**
8 **AGENCIES AND THE COUNTY GOVERNMENT TO IMPROVE MATTERS OF POLICING;**

9 **(2) APPOINT CIVILIAN MEMBERS TO CHARGING COMMITTEES AND**
10 **TRIAL BOARDS;**

11 **(3) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY**
12 **MEMBERS OF THE PUBLIC; AND**

13 **(4) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY**
14 **MATTERS CONSIDERED BY CHARGING COMMITTEES.**

15 **(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
16 **MEMBERSHIP OF A POLICE ACCOUNTABILITY BOARD SHALL BE DETERMINED BY THE**
17 **LOCAL LEGISLATIVE BODY.**

18 **(II) AN ACTIVE POLICE OFFICER MAY NOT BE A MEMBER OF A**
19 **POLICE ACCOUNTABILITY BOARD.**

20 **(2) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF A POLICE**
21 **ACCOUNTABILITY BOARD SHALL REFLECT THE RACIAL, GENDER, AND CULTURAL**
22 **DIVERSITY OF THE COUNTY.**

23 **(C) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE**
24 **ACCOUNTABILITY BOARD SHALL INCLUDE:**

25 **(I) THE NAME OF THE POLICE OFFICER ACCUSED OF**
26 **MISCONDUCT;**

27 **(II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT**
28 **IS BASED; AND**

29 **(III) CONTACT INFORMATION OF THE COMPLAINANT OR A**
30 **PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE**

1 FOLLOW-UP.

2 (2) A COMPLAINT NEED NOT:

3 (I) INCLUDE IDENTIFYING INFORMATION OF THE
4 COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR

5 (II) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF
6 PERJURY.

7 3-104.

8 (A) AN INDIVIDUAL MAY FILE A COMPLAINT OF POLICE MISCONDUCT WITH
9 THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER WHO IS THE
10 SUBJECT OF THE COMPLAINT.

11 (B) (1) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A LAW
12 ENFORCEMENT AGENCY SHALL INCLUDE:

13 (I) THE NAME OF THE POLICE OFFICER ACCUSED OF
14 MISCONDUCT;

15 (II) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT
16 IS BASED; AND

17 (III) CONTACT INFORMATION OF THE COMPLAINANT OR A
18 PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE
19 FOLLOW-UP.

20 (2) A COMPLAINT NEED NOT:

21 (I) INCLUDE IDENTIFYING INFORMATION OF THE
22 COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR

23 (II) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF
24 PERJURY.

25 3-105.

26 (A) (1) EACH COUNTY SHALL HAVE ONE ADMINISTRATIVE CHARGING
27 COMMITTEE TO SERVE COUNTYWIDE LAW ENFORCEMENT AGENCIES AND LOCAL
28 LAW ENFORCEMENT AGENCIES WITHIN THE COUNTY.

29 (2) A COUNTY ADMINISTRATIVE CHARGING COMMITTEE SHALL BE

1 COMPOSED OF:

2 (I) THE CHAIR OF THE COUNTY'S POLICE ACCOUNTABILITY
3 BOARD;

4 (II) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS:

5 1. A RESIDENT OF THE COUNTY;

6 2. NOT EMPLOYED BY THE OFFICE OF THE PUBLIC
7 DEFENDER; AND

8 3. NOT CURRENTLY REPRESENTING A PARTY AS AN
9 ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;

10 (III) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE
11 JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS:

12 1. A RESIDENT OF THE COUNTY;

13 2. NOT EMPLOYED BY THE OFFICE OF THE STATE'S
14 ATTORNEY; AND

15 3. NOT CURRENTLY REPRESENTING A PARTY AS AN
16 ATTORNEY IN A CRIMINAL MATTER PENDING IN A COURT IN THE COUNTY;

17 (IV) ONE CIVILIAN SELECTED BY THE COUNTY'S POLICE
18 ACCOUNTABILITY BOARD; AND

19 (V) THE LEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL
20 AUTHORITY OF THE COUNTY.

21 (B) (1) THERE SHALL BE AT LEAST ONE STATEWIDE ADMINISTRATIVE
22 CHARGING COMMITTEE TO SERVE STATEWIDE LAW ENFORCEMENT AGENCIES.

23 (2) A STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE
24 COMPOSED OF:

25 (I) A DESIGNEE OF THE ATTORNEY GENERAL WHO IS NOT
26 EMPLOYED BY THE OFFICE OF THE ATTORNEY GENERAL, THE OFFICE OF THE
27 STATE PROSECUTOR, OR THE OFFICE OF THE UNITED STATES ATTORNEY;

28 (II) A DESIGNEE OF THE PUBLIC DEFENDER OF MARYLAND
29 WHO IS NOT EMPLOYED BY THE OFFICE OF THE PUBLIC DEFENDER;

1 **(III) A DESIGNEE OF THE GOVERNOR'S LEGAL COUNSEL;**

2 **(IV) ONE CIVILIAN APPOINTED BY THE GOVERNOR; AND**

3 **(V) ONE CIVILIAN JOINTLY APPOINTED BY THE SPEAKER OF**
4 **THE HOUSE AND THE PRESIDENT OF THE SENATE.**

5 **(C) BEFORE SERVING AS A MEMBER OF AN ADMINISTRATIVE CHARGING**
6 **COMMITTEE, AN INDIVIDUAL SHALL RECEIVE TRAINING ON MATTERS RELATING TO**
7 **POLICE PROCEDURES FROM THE MARYLAND POLICE TRAINING AND STANDARDS**
8 **COMMISSION.**

9 **(D) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT MADE BY A**
10 **MEMBER OF THE PUBLIC AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT**
11 **AGENCY SHALL FORWARD TO THE APPROPRIATE ADMINISTRATIVE CHARGING**
12 **COMMITTEE THE INVESTIGATORY FILES FOR THE MATTER.**

13 **(E) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:**

14 **(1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S**
15 **INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION**
16 **(D) OF THIS SECTION;**

17 **(2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS**
18 **SUBJECT TO INVESTIGATION SHALL BE:**

19 **(I) ADMINISTRATIVELY CHARGED; OR**

20 **(II) NOT ADMINISTRATIVELY CHARGED;**

21 **(3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN**
22 **ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX**
23 **ESTABLISHED IN ACCORDANCE WITH § 3-106 OF THIS SUBTITLE;**

24 **(4) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS**
25 **FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND**

26 **(5) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW**
27 **ENFORCEMENT AGENCY AND THE COMPLAINANT.**

28 **(F) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (E) OF**
29 **THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:**

30 **(1) REQUEST INFORMATION OR ACTION FROM THE LAW**

1 ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING
2 REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS;

3 (2) IF THE POLICE OFFICER IS NOT ADMINISTRATIVELY CHARGED,
4 MAKE A DETERMINATION THAT:

5 (I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE
6 UNFOUNDED; OR

7 (II) THE POLICE OFFICER IS EXONERATED; AND

8 (3) RECORD, IN WRITING, A FAILURE OF SUPERVISION THAT CAUSED
9 OR CONTRIBUTED TO A POLICE OFFICER'S MISCONDUCT.

10 (G) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL MEET ONCE PER
11 MONTH AND ADDITIONALLY AS NEEDED.

12 (H) A MEMBER OF AN ADMINISTRATIVE CHARGING COMMITTEE SHALL
13 MAINTAIN CONFIDENTIALITY RELATING TO A MATTER BEING CONSIDERED BY THE
14 ADMINISTRATIVE CHARGING COMMITTEE UNTIL DISPOSITION OF THE MATTER.

15 3-106.

16 (A) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION
17 SHALL DEVELOP AND ADOPT, BY REGULATION, A MODEL UNIFORM DISCIPLINARY
18 MATRIX FOR USE BY EACH LAW ENFORCEMENT AGENCY IN THE STATE.

19 (B) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM STATE
20 DISCIPLINARY MATRIX.

21 (C) (1) WITHIN 15 DAYS AFTER AN ADMINISTRATIVE CHARGING
22 COMMITTEE ISSUES AN ADMINISTRATIVE CHARGE AGAINST A POLICE OFFICER, THE
23 CHIEF OF THE LAW ENFORCEMENT AGENCY SHALL OFFER DISCIPLINE TO THE
24 POLICE OFFICER WHO HAS BEEN ADMINISTRATIVELY CHARGED IN ACCORDANCE
25 WITH THE DISCIPLINARY MATRIX.

26 (2) THE CHIEF MAY OFFER THE SAME DISCIPLINE THAT WAS
27 RECOMMENDED BY THE ADMINISTRATIVE CHARGING COMMITTEE OR A HIGHER
28 DEGREE OF DISCIPLINE WITHIN THE APPLICABLE RANGE OF THE DISCIPLINARY
29 MATRIX, BUT MAY NOT DEVIATE BELOW THE DISCIPLINE RECOMMENDED BY THE
30 ADMINISTRATIVE CHARGING COMMITTEE.

31 (3) IF THE POLICE OFFICER ACCEPTS THE CHIEF'S OFFER OF
32 DISCIPLINE, THEN THE OFFERED DISCIPLINE SHALL BE IMPOSED.

1 **(4) IF THE POLICE OFFICER DOES NOT ACCEPT THE CHIEF'S OFFER**
2 **OF DISCIPLINE, THEN THE MATTER SHALL BE REFERRED TO A TRIAL BOARD.**

3 **3-107.**

4 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
5 **EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN**
6 **ACCORDANCE WITH THIS SECTION.**

7 **(2) A SMALL LAW ENFORCEMENT AGENCY MAY USE THE TRIAL BOARD**
8 **PROCESS OF ANOTHER LAW ENFORCEMENT AGENCY BY MUTUAL AGREEMENT.**

9 **(B) A TRIAL BOARD SHALL BE COMPOSED OF:**

10 **(1) AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE**
11 **OR A RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT;**

12 **(2) A CIVILIAN APPOINTED BY THE COUNTY'S POLICE**
13 **ACCOUNTABILITY BOARD; AND**

14 **(3) A POLICE OFFICER OF EQUAL RANK TO THE POLICE OFFICER WHO**
15 **IS ACCUSED OF MISCONDUCT.**

16 **(C) BEFORE SERVING AS A MEMBER OF A TRIAL BOARD, AN INDIVIDUAL**
17 **SHALL RECEIVE TRAINING ON MATTERS RELATING TO POLICE PROCEDURES FROM**
18 **THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

19 **(D) PROCEEDINGS OF A TRIAL BOARD SHALL BE OPEN TO THE PUBLIC,**
20 **EXCEPT TO PROTECT:**

21 **(1) A VICTIM'S IDENTITY;**

22 **(2) THE PERSONAL PRIVACY OF AN INDIVIDUAL;**

23 **(3) A CHILD WITNESS;**

24 **(4) MEDICAL RECORDS;**

25 **(5) THE IDENTITY OF A CONFIDENTIAL SOURCE;**

26 **(6) AN INVESTIGATIVE TECHNIQUE OR PROCEDURE; OR**

27 **(7) THE LIFE OR PHYSICAL SAFETY OF AN INDIVIDUAL.**

1 (E) A TRIAL BOARD MAY ADMINISTER OATHS AND ISSUE SUBPOENAS AS
2 NECESSARY TO COMPLETE ITS WORK.

3 ~~(F) A POLICE OFFICER WHO IS THE SUBJECT OF A TRIAL BOARD MAY BE~~
4 ~~COMPELLED TO:~~

5 ~~(1) TESTIFY;~~

6 ~~(2) PRODUCE FINANCIAL RECORDS RELATING TO INCOME AND~~
7 ~~ASSETS; AND~~

8 ~~(3) SUBMIT TO A POLYGRAPH EXAMINATION.~~

9 ~~(G) A COMPLAINANT HAS THE RIGHT TO BE NOTIFIED OF A TRIAL BOARD~~
10 ~~HEARING AND, EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE~~
11 ~~RIGHT TO ATTEND A TRIAL BOARD HEARING.~~

12 ~~(H) (G) (1) WITHIN 30 DAYS AFTER THE DATE OF ISSUANCE OF A~~
13 ~~DECISION OF A TRIAL BOARD, THE DECISION MAY BE APPEALED BY THE EMPLOYEE:~~

14 ~~(I) IF THE TRIAL BOARD IS FROM A LOCAL LAW ENFORCEMENT~~
15 ~~AGENCY, TO THE CIRCUIT COURT OF THE COUNTY IN WHICH THE LAW~~
16 ~~ENFORCEMENT AGENCY IS LOCATED; AND~~

17 ~~(II) IF THE TRIAL BOARD IS FROM A STATEWIDE LAW~~
18 ~~ENFORCEMENT AGENCY, TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.~~

19 ~~(2) AN APPEAL TAKEN UNDER THIS SUBSECTION SHALL BE ON THE~~
20 ~~RECORD.~~

21 ~~(H) (H) A TRIAL BOARD DECISION THAT IS NOT APPEALED IS FINAL.~~

22 3-108.

23 (A) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING
24 COMMITTEE, AND TRIAL BOARD PROCESS, THE CHIEF MAY IMPOSE AN EMERGENCY
25 SUSPENSION WITH OR WITHOUT PAY IF THE CHIEF DETERMINES THAT SUCH A
26 SUSPENSION IS IN THE BEST INTEREST OF THE PUBLIC.

27 (2) AN EMERGENCY SUSPENSION WITHOUT PAY UNDER THIS
28 SUBSECTION MAY NOT EXCEED 30 DAYS.

29 (3) A POLICE OFFICER WHO IS SUSPENDED WITHOUT PAY UNDER
30 THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF AN ADMINISTRATIVE

1 CHARGING COMMITTEE DETERMINES NOT TO ADMINISTRATIVELY CHARGE THE
2 POLICE OFFICER IN CONNECTION WITH THE MATTER ON WHICH THE SUSPENSION IS
3 BASED.

4 (B) (1) PENDING AN INVESTIGATORY, ADMINISTRATIVE CHARGING
5 COMMITTEE, TRIAL BOARD, AND CRIMINAL PROSECUTION PROCESS, THE CHIEF
6 SHALL IMPOSE AN EMERGENCY SUSPENSION WITHOUT PAY IF THE POLICE OFFICER
7 IN QUESTION IS CRIMINALLY CHARGED WITH:

8 (I) A FELONY;

9 (II) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF
10 DUTIES AS A POLICE OFFICER;

11 (III) A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR

12 (IV) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT,
13 OR MISREPRESENTATION.

14 (2) A POLICE OFFICER WHO WAS SUSPENDED WITHOUT PAY UNDER
15 THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF THE POLICE OFFICER IS
16 FOUND NOT GUILTY OF THE CRIMINAL CHARGE OR CHARGES ON WHICH THE
17 SUSPENSION WAS BASED.

18 (C) THE CHIEF SHALL TERMINATE THE EMPLOYMENT OF A POLICE OFFICER
19 WHO IS CONVICTED OF OR RECEIVES A PROBATION BEFORE JUDGMENT FOR:

20 (1) A FELONY;

21 (2) A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF DUTIES
22 AS A POLICE OFFICER;

23 (3) A MISDEMEANOR RELATED TO DOMESTIC VIOLENCE; OR

24 (4) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT, OR
25 MISREPRESENTATION.

26 (D) (1) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS
27 SUBTITLE, A POLICE OFFICER MAY BE REQUIRED TO SUBMIT TO BLOOD ALCOHOL
28 TESTS, BLOOD, BREATH, OR URINE TESTS FOR CONTROLLED DANGEROUS
29 SUBSTANCES, POLYGRAPH EXAMINATIONS, OR INTERROGATIONS THAT
30 SPECIFICALLY RELATE TO THE SUBJECT MATTER OF THE INVESTIGATION.

31 (2) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,

1 EXAMINATION, OR INTERROGATION DESCRIBED IN PARAGRAPH (1) OF THIS
2 SUBSECTION AND THE POLICE OFFICER REFUSES TO DO SO, THE LAW
3 ENFORCEMENT AGENCY MAY COMMENCE AN ACTION THAT MAY LEAD TO A PUNITIVE
4 MEASURE AS A RESULT OF THE REFUSAL.

5 (3) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A TEST,
6 EXAMINATION, OR INTERROGATION DESCRIBED IN PARAGRAPH (1) OF THIS
7 SUBSECTION, THE RESULTS OF THE TEST, EXAMINATION, OR INTERROGATION ARE
8 NOT ADMISSIBLE OR DISCOVERABLE IN A CRIMINAL PROCEEDING AGAINST THE
9 POLICE OFFICER.

10 (E) IN CONNECTION WITH A DISCIPLINARY MATTER UNDER THIS SUBTITLE,
11 FORFEITURE OF A POLICE OFFICER'S PENSION MAY BE IMPOSED AS A DISCIPLINARY
12 ACTION IN ACCORDANCE WITH § 20-210 OF THE STATE PERSONNEL AND PENSIONS
13 ARTICLE.

14 3-109.

15 (A) (1) A LAW ENFORCEMENT AGENCY SHALL DESIGNATE AN EMPLOYEE
16 AS A VICTIMS' RIGHTS ADVOCATE TO ACT AS THE CONTACT FOR THE PUBLIC WITHIN
17 THE AGENCY ON MATTERS RELATED TO POLICE MISCONDUCT.

18 (2) A VICTIMS' RIGHTS ADVOCATE SHALL:

19 (I) EXPLAIN TO A COMPLAINANT:

20 1. THE COMPLAINT, INVESTIGATION, ADMINISTRATIVE
21 CHARGING COMMITTEE, AND TRIAL BOARD PROCESS;

22 2. ANY DECISION TO TERMINATE AN INVESTIGATION;

23 3. AN ADMINISTRATIVE CHARGING COMMITTEE'S
24 DECISION OF ADMINISTRATIVELY CHARGED, NOT ADMINISTRATIVELY CHARGED,
25 UNFOUNDED, OR EXONERATED; AND

26 4. A TRIAL BOARD'S DECISION;

27 (II) PROVIDE A COMPLAINANT WITH AN OPPORTUNITY TO
28 REVIEW A POLICE OFFICER'S STATEMENT BEFORE COMPLETION OF AN
29 INVESTIGATION BY A LAW ENFORCEMENT AGENCY'S INVESTIGATIVE UNIT;

30 (III) NOTIFY A COMPLAINANT OF THE STATUS OF THE CASE AT
31 EVERY STAGE OF THE PROCESS; AND

1 **(IV) PROVIDE A CASE SUMMARY TO A COMPLAINANT WITHIN 30**
2 **DAYS AFTER FINAL DISPOSITION OF THE CASE.**

3 **(B) EACH LAW ENFORCEMENT AGENCY SHALL CREATE A DATABASE THAT**
4 **ENABLES A COMPLAINANT TO ENTER THE COMPLAINANT'S CASE NUMBER TO**
5 **FOLLOW THE STATUS OF THE CASE AS IT PROCEEDS THROUGH:**

6 **(1) INVESTIGATION;**

7 **(2) CHARGING;**

8 **(3) OFFER OF DISCIPLINE;**

9 **(4) TRIAL BOARD;**

10 **(5) ULTIMATE DISCIPLINE; AND**

11 **(6) APPEAL.**

12 **(C) (1) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY**
13 **SHALL IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC**
14 **ALLEGING POLICE OFFICER MISCONDUCT.**

15 **(2) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL REVIEW AND**
16 **MAKE A DETERMINATION OR ASK FOR FURTHER REVIEW WITHIN 30 DAYS OF**
17 **COMPLETION OF THE INVESTIGATING UNIT'S REVIEW.**

18 **(3) THE PROCESS OF REVIEW BY THE INVESTIGATING UNIT THROUGH**
19 **DISPOSITION BY THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE**
20 **COMPLETED WITHIN 1 YEAR AND 1 DAY AFTER THE FILING OF A COMPLAINT BY A**
21 **CITIZEN.**

22 **3-110.**

23 **A POLICE OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF POLICE**
24 **MISCONDUCT AND A COMPLAINANT HAVE THE RIGHT TO REPRESENTATION IN**
25 **CONNECTION WITH PROCEEDINGS UNDER THIS SUBTITLE.**

26 **3-111.**

27 **(A) A POLICE OFFICER MAY NOT BE DISCHARGED, DISCIPLINED, DEMOTED,**
28 **OR DENIED PROMOTION, TRANSFER, OR REASSIGNMENT, OR OTHERWISE**
29 **DISCRIMINATED AGAINST OR THREATENED IN REGARD TO THE POLICE OFFICER'S**
30 **EMPLOYMENT BECAUSE THE POLICE OFFICER:**

1 **(1) DISCLOSED INFORMATION THAT EVIDENCES:**

2 **(I) MISMANAGEMENT;**

3 **(II) A WASTE OF GOVERNMENT RESOURCES;**

4 **(III) A DANGER TO PUBLIC HEALTH OR SAFETY; OR**

5 **(IV) A VIOLATION OF LAW OR POLICY COMMITTED BY ANOTHER**
6 **POLICE OFFICER; OR**

7 **(2) LAWFULLY EXERCISED CONSTITUTIONAL RIGHTS.**

8 **(B) A POLICE OFFICER MAY NOT BE DENIED THE RIGHT TO BRING SUIT**
9 **ARISING OUT OF THE POLICE OFFICER'S OFFICIAL DUTIES.**

10 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A POLICE**
11 **OFFICER HAS THE SAME RIGHTS TO ENGAGE IN POLITICAL ACTIVITY AS A STATE**
12 **EMPLOYEE.**

13 **(2) THIS RIGHT TO ENGAGE IN POLITICAL ACTIVITY DOES NOT APPLY**
14 **WHEN THE POLICE OFFICER IS ON DUTY OR ACTING IN AN OFFICIAL CAPACITY.**

15 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW**
16 **ENFORCEMENT AGENCY MAY NOT PROHIBIT SECONDARY EMPLOYMENT BY POLICE**
17 **OFFICERS.**

18 **(2) A LAW ENFORCEMENT AGENCY MAY ADOPT REASONABLE**
19 **REGULATIONS THAT RELATE TO SECONDARY EMPLOYMENT BY POLICE OFFICERS.**

20 **3-112.**

21 **A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE**
22 **REQUIREMENTS OF THIS SUBTITLE THROUGH COLLECTIVE BARGAINING.**

23 **3-113.**

24 **A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION**
25 **OF MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS**
26 **INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A**
27 **DISCIPLINARY DECISION, MAY NOT BE:**

28 **(1) EXPUNGED; OR**

1 **(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.**

2 3–203.

3 (a) The Commission consists of the following members:

4 (1) the President of the Maryland Chiefs of Police Association;

5 (2) the President of the Maryland Sheriffs Association;

6 (3) the Attorney General of the State;

7 (4) the Secretary of State Police;

8 (5) the agent in charge of the Baltimore office of the Federal Bureau of
9 Investigation;

10 (6) one member representing the Maryland State Lodge of Fraternal Order
11 of Police;

12 (7) one member representing the Maryland State’s Attorneys’ Association;

13 (8) [the Chair of the Maryland Municipal League Police Executive
14 Association;

15 (9) the President of Maryland Law Enforcement Officers, Inc.;

16 (10)] the Police Commissioner of Baltimore City;

17 [(11) the President of the Police Chiefs’ Association of Prince George’s
18 County;

19 (12) a representative from the Wor–Wic Program Advisory Committee –
20 Criminal Justice;

21 (13) two members of the Senate of Maryland, appointed by the President of
22 the Senate;

23 (14) two members of the House of Delegates, appointed by the Speaker of
24 the House;] and

25 [(15)] **(9)** the following individuals, appointed by the Governor with the
26 advice and consent of the Senate:

27 (i) [three police officers, representing different geographic areas of
28 the State;

- 1 (ii) one individual with expertise in community policing;
- 2 [(iii) (II) one individual with expertise in policing standards;
- 3 [(iv) (III) one individual with expertise in mental health **WITHOUT**
- 4 **RELATIONSHIPS TO LAW ENFORCEMENT**; and
- 5 [(v) (IV) [two] NINE citizens of the State without relationships to
- 6 law enforcement.

7 (b) (1) The term of an appointed member is 3 years.

8 (2) The terms of the appointed members are staggered as required by the

9 terms provided for members of the Commission on October 1, 2016.

10 (3) At the end of a term, an appointed member continues to serve until a

11 successor is appointed and qualifies.

12 (4) A member who is appointed after a term has begun serves only for the

13 remainder of the term and until a successor is appointed and qualifies.

14 (c) Except for the appointed members, a member of the Commission may serve

15 personally at a Commission meeting or may designate a representative from the member's

16 unit, agency, or association who may act at any meeting to the same effect as if the member

17 were personally present.

18 [(d) The members of the Commission appointed from the Senate of Maryland and

19 the House of Delegates shall serve in an advisory capacity only.]

20 3-207.

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

22 (16) to require, for entrance-level police training and, as determined by the

23 Commission, for in-service level training conducted by the State and each county and

24 municipal police training school, that the curriculum and minimum courses of study

25 include, consistent with established law enforcement standards and federal and State

26 constitutional provisions:

27 (i) training in lifesaving techniques, including Cardiopulmonary

28 Resuscitation (CPR);

29 (ii) training in the proper level and use of force AS SET FORTH IN

30 THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE;

1 (iii) training regarding sensitivity to cultural and gender diversity;
2 and

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

5 (g) The Commission shall develop and administer:

6 (1) a training program on [the Law Enforcement Officers' Bill of Rights
7 and] matters relating to police procedures for ~~citizens~~ INDIVIDUALS who intend to qualify
8 to participate as a member of a [hearing board under § 3-107 of this title] TRIAL BOARD
9 OR ADMINISTRATIVE CHARGING COMMITTEE UNDER § 3-525 SUBTITLE 1 OF THIS
10 TITLE; AND

11 (2) A TRAINING PROGRAM ON MATTERS RELATING TO POLICE
12 TRAINING AND STANDARDS FOR CITIZENS WHO ARE APPOINTED TO SERVE AS
13 MEMBERS OF THE COMMISSION.

14 (j) THE COMMISSION SHALL:

15 (1) ~~(H)~~ HOLD LAW ENFORCEMENT AGENCIES ACCOUNTABLE FOR
16 VIOLATIONS OF THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE; AND

17 ~~(H)~~ (2) WORK WITH THE COMPTROLLER AND THE
18 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO
19 ENSURE THAT STATE GRANT FUNDING IS WITHHELD FROM A LAW ENFORCEMENT
20 AGENCY THAT VIOLATES THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS
21 TITLE;

22 ~~(2)~~ ~~REVOKE THE CERTIFICATION OF A POLICE OFFICER WHO HAS~~
23 ~~BEEN;~~

24 ~~(I)~~ ~~FOUND TO HAVE VIOLATED THE USE OF FORCE STATUTE~~
25 ~~UNDER § 3-524 OF THIS TITLE;~~

26 ~~(II)~~ ~~CONVICTED OF A FELONY;~~

27 ~~(III)~~ ~~CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR~~
28 ~~RELATING TO TRUTHFULNESS AND VERACITY; OR~~

29 ~~(IV)~~ ~~PREVIOUSLY FIRED OR RESIGNED WHILE BEING~~
30 ~~INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE; AND~~

31 ~~(3)~~ ~~CREATE A STATEWIDE DATABASE TO TRACK POLICE OFFICER~~
32 ~~DE CERTIFICATIONS DUE TO IMPROPER USE OF FORCE.~~

1 **(K) THE COMMISSION SHALL:**

2 **(1) DEVELOP A TEST AND TRAINING FOR IMPLICIT BIAS, SUBJECT TO**
 3 **THE AVAILABILITY OF IMPLICIT BIAS TESTING STANDARDS THAT ARE GENERALLY**
 4 **ACCEPTED BY EXPERTS IN THE FIELD OF POLICE PSYCHOLOGY;**

5 **(2) REQUIRE ALL LAW ENFORCEMENT AGENCIES TO USE THE**
 6 **IMPLICIT BIAS TEST IN THE HIRING PROCESS;**

7 **(3) REQUIRE ALL NEW POLICE OFFICERS TO COMPLETE IMPLICIT**
 8 **BIAS TESTING AND TRAINING; AND**

9 **(4) REQUIRE ALL INCUMBENT POLICE OFFICERS TO UNDERGO**
 10 **IMPLICIT BIAS TESTING AND TRAINING ON AN ANNUAL BASIS.**

11 3–209.

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

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

14 (ii) provides the Commission with sufficient evidence that the
 15 individual has satisfactorily completed a training program in another state of equal quality
 16 and content as required by the Commission;

17 (2) submits to a [psychological evaluation] **MENTAL HEALTH SCREENING**
 18 **BY A LICENSED MENTAL HEALTH PROFESSIONAL;**

19 **(3) SUBMITS TO A PHYSICAL AGILITY ASSESSMENT AS DETERMINED**
 20 **BY THE COMMISSION;**

21 **[(3)] (4)** submits to a criminal history records check in accordance with §
 22 3–209.1 of this subtitle; and

23 **[(4)] (5)** (i) is a United States citizen; or

24 (ii) subject to subsection (b) of this section, is a permanent legal
 25 resident of the United States and an honorably discharged veteran of the United States
 26 armed forces, provided that the individual has applied to obtain United States citizenship
 27 and the application is still pending approval.

28 (b) The certification of a police officer who fails to obtain United States citizenship
 29 as required by subsection (a)(4)(ii) of this section shall be terminated by the Commission.

30 (c) The Commission may certify as a police officer an individual who is not

1 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the
2 selection and training standards of the Commission.

3 (d) Each certificate issued to a police officer under this subtitle remains the
4 property of the Commission.

5 (E) AS A CONDITION OF CERTIFICATION, A POLICE OFFICER SHALL
6 ANNUALLY SUBMIT TO A MENTAL HEALTH ASSESSMENT AND A PHYSICAL AGILITY
7 ASSESSMENT TO ESTABLISH CONTINUING FITNESS TO CARRY OUT ~~THE DUTIES OF~~
8 THE OFFICER'S ASSIGNED DUTIES AS A POLICE OFFICER.

9 (F) PRIOR MARIJUANA USE IS NOT A DISQUALIFIER FOR CERTIFICATION AS
10 A POLICE OFFICER.

11 3–212.

12 (a) (1) Subject to the hearing provisions of subsection (b) of this section, the
13 Commission may suspend or revoke the certification of a police officer if the police officer:

14 [(1)] (I) violates or fails to meet the Commission's standards;

15 (II) VIOLATES THE MARYLAND USE OF FORCE STATUTE UNDER
16 § 3–524 OF THIS TITLE; OR

17 [(2)] (III) knowingly fails to report suspected child abuse in violation of §
18 5–704 of the Family Law Article.

19 (2) THE COMMISSION SHALL REVOKE THE CERTIFICATION OF A
20 POLICE OFFICER WHO WAS:

21 (I) CONVICTED OF A FELONY;

22 (II) CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR
23 RELATING TO TRUTHFULNESS AND VERACITY; OR

24 (III) PREVIOUSLY FIRED OR RESIGNED WHILE BEING
25 INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE.

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

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

1 (c) A police officer aggrieved by the findings and order of the Commission may
 2 take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

3 **(D) THE COMMISSION SHALL CREATE A STATEWIDE DATABASE TO TRACK**
 4 **POLICE OFFICER DECERTIFICATIONS DUE TO IMPROPER USE OF FORCE.**

5 3-215.

6 (a) (1) In this section the following words have the meanings indicated.

7 (2) “Permanent appointment” means the appointment of an individual who
 8 has satisfactorily met the minimum standards of the Commission and is certified as a police
 9 officer.

10 (3) “Police administrator” means a police officer who has been promoted to
 11 first-line administrative duties up to but not exceeding the rank of captain.

12 (4) “Police supervisor” means a police officer who has been promoted to
 13 first-line supervisory duties.

14 (b) An individual may not be given or accept a probationary appointment or
 15 permanent appointment as a police officer, police supervisor, or police administrator unless
 16 the individual satisfactorily meets the qualifications established by the Commission.

17 **(C) (1) AN INDIVIDUAL WHO APPLIES FOR A POSITION AS POLICE**
 18 **OFFICER SHALL:**

19 **(I) UNDER PENALTY OF PERJURY, DISCLOSE TO THE HIRING**
 20 **LAW ENFORCEMENT AGENCY ALL PRIOR INSTANCES OF EMPLOYMENT AS A POLICE**
 21 **OFFICER AT OTHER LAW ENFORCEMENT AGENCIES; AND**

22 **(II) AUTHORIZE THE HIRING LAW ENFORCEMENT AGENCY TO**
 23 **OBTAIN THE POLICE OFFICER’S FULL PERSONNEL AND DISCIPLINARY RECORD**
 24 **FROM EACH LAW ENFORCEMENT AGENCY THAT PREVIOUSLY EMPLOYED THE**
 25 **POLICE OFFICER.**

26 **(2) THE HIRING LAW ENFORCEMENT AGENCY SHALL CERTIFY TO THE**
 27 **COMMISSION THAT THE LAW ENFORCEMENT AGENCY HAS REVIEWED THE**
 28 **APPLICANT’S DISCIPLINARY RECORD.**

29 ~~(c)~~ **(D)** A probationary appointment as a police officer, police supervisor, or
 30 police administrator may be made for a period not exceeding 1 year to enable the individual
 31 seeking permanent appointment to take a training course required by this subtitle.

32 ~~(d)~~ **(E)** A probationary appointee is entitled to a leave of absence with pay

1 during the period of the training program.

2 ~~(E)~~ **(F) PRIOR MARIJUANA USE MAY NOT BE THE BASIS FOR**
3 **DISQUALIFYING AN APPLICANT FOR A POSITION AS A POLICE OFFICER.**

4 **3-508.**

5 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
6 **INDICATED.**

7 **(2) "COMMISSION" MEANS THE MARYLAND POLICE TRAINING AND**
8 **STANDARDS COMMISSION.**

9 **(3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §**
10 **3-201 OF THIS TITLE.**

11 **(4) "OFFICE" MEANS THE GOVERNOR'S OFFICE OF CRIME**
12 **PREVENTION, YOUTH, AND VICTIM SERVICES.**

13 **(5) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS**
14 **TITLE.**

15 **(6) "SWAT TEAM" MEANS A SPECIAL UNIT COMPOSED OF TWO OR**
16 **MORE POLICE OFFICERS WITHIN A LAW ENFORCEMENT AGENCY TRAINED TO DEAL**
17 **WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND HAVING SPECIAL**
18 **EQUIPMENT AND WEAPONS, INCLUDING RIFLES MORE POWERFUL THAN THOSE**
19 **CARRIED BY REGULAR POLICE OFFICERS.**

20 **(B) EVERY 6 MONTHS, BEGINNING JULY 1, 2022, A LAW ENFORCEMENT**
21 **AGENCY THAT MAINTAINS A SWAT TEAM SHALL REPORT THE FOLLOWING**
22 **INFORMATION TO THE OFFICE USING THE FORMAT DEVELOPED UNDER**
23 **SUBSECTION (C) OF THIS SECTION:**

24 **(1) THE NUMBER OF TIMES THE SWAT TEAM WAS ACTIVATED AND**
25 **DEPLOYED BY THE LAW ENFORCEMENT AGENCY IN THE PREVIOUS 6 MONTHS;**

26 **(2) THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL**
27 **CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS**
28 **DEPLOYED FOR EACH ACTIVATION;**

29 **(3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF THE**
30 **SWAT TEAM;**

31 **(4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY,**

1 FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

2 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE
3 SWAT TEAM, INCLUDING:

4 (I) THE NUMBER OF ARRESTS MADE, IF ANY;

5 (II) WHETHER PROPERTY WAS SEIZED;

6 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

7 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM
8 MEMBER; AND

9 (V) WHETHER A PERSON OR DOMESTIC ANIMAL WAS INJURED
10 OR KILLED BY A SWAT TEAM MEMBER.

11 (C) THE COMMISSION, IN CONSULTATION WITH THE OFFICE, SHALL
12 DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY
13 SHALL USE IN REPORTING DATA TO THE OFFICE UNDER SUBSECTION (B) OF THIS
14 SECTION.

15 (D) A LAW ENFORCEMENT AGENCY SHALL:

16 (1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS
17 SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED
18 UNDER SUBSECTION (C) OF THIS SECTION; AND

19 (2) NOT LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE
20 6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:

21 (I) THE OFFICE; AND

22 (II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION
23 SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM
24 THAT IS THE SUBJECT OF THE REPORT; OR

25 2. IF THE JURISDICTION SERVED BY THE LAW
26 ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF
27 THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF
28 THE JURISDICTION.

29 (E) (1) THE OFFICE SHALL ANALYZE AND SUMMARIZE THE REPORTS OF
30 LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS

1 SECTION.

2 (2) BEFORE SEPTEMBER 1 EACH YEAR, THE OFFICE SHALL:

3 (I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF
4 THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF
5 THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §
6 2-1257 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT
7 AGENCY; AND

8 (II) PUBLISH THE REPORT ON ITS WEBSITE.

9 (F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
10 REPORTING PROVISIONS OF THIS SECTION, THE OFFICE SHALL REPORT THE
11 NONCOMPLIANCE TO THE COMMISSION.

12 (2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE
13 COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST
14 THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

15 (3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE
16 REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING
17 CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE OFFICE AND
18 THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE
19 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL
20 ASSEMBLY.

21 3-511.

22 (A) On or before January 1, 2016, the Maryland Police Training and Standards
23 Commission shall develop and publish online a policy for the issuance and use of a
24 body-worn camera by a law enforcement officer that addresses:

25 (1) the testing of body-worn cameras to ensure adequate functioning;

26 (2) the procedure for the law enforcement officer to follow if the camera
27 fails to properly operate at the beginning of or during the law enforcement officer's shift;

28 (3) when recording is mandatory;

29 (4) when recording is prohibited;

30 (5) when recording is discretionary;

31 (6) when recording may require consent of a subject being recorded;

- 1 (7) when a recording may be ended;
- 2 (8) providing notice of recording;
- 3 (9) access to and confidentiality of recordings;
- 4 (10) the secure storage of data from a body-worn camera;
- 5 (11) review and use of recordings;
- 6 (12) retention of recordings;
- 7 (13) dissemination and release of recordings;
- 8 (14) consequences for violations of the agency's body-worn camera policy;
- 9 (15) notification requirements when another individual becomes a party to
10 the communication following the initial notification;
- 11 (16) specific protections for individuals when there is an expectation of
12 privacy in private or public places; and
- 13 (17) any additional issues determined to be relevant in the implementation
14 and use of body-worn cameras by law enforcement officers.

15 **(B) ON OR BEFORE JANUARY 1, 2025, EACH LAW ENFORCEMENT AGENCY**
16 **SHALL REQUIRE THE USE OF BODY-WORN CAMERAS.**

17 **(C) A BODY-WORN CAMERA THAT POSSESSES THE TECHNOLOGICAL**
18 **CAPABILITY SHALL AUTOMATICALLY RECORD AND SAVE AT LEAST 60 SECONDS OF**
19 **VIDEO FOOTAGE IMMEDIATELY PRIOR TO THE OFFICER ACTIVATING THE RECORD**
20 **BUTTON ON THE DEVICE.**

21 **(D) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE**
22 **REQUIREMENTS OR POLICIES ESTABLISHED IN ACCORDANCE WITH THIS SECTION**
23 **THROUGH COLLECTIVE BARGAINING.**

24 3-514.

25 **(A) Each law enforcement agency shall require a [law enforcement] POLICE**
26 **officer who was involved in a use of force incident in the line of duty to file an incident**
27 **report regarding the use of force by the end of the officer's shift unless the officer is disabled.**

28 **(B) (1) ON OR BEFORE MARCH 1 EACH YEAR, EACH LAW ENFORCEMENT**
29 **AGENCY SHALL SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS**

1 COMMISSION THE NUMBER OF USE OF FORCE COMPLAINTS MADE AGAINST ITS
2 POLICE OFFICERS DURING THE PREVIOUS CALENDAR YEAR, AGGREGATED BY
3 NUMBERS OF COMPLAINTS ADMINISTRATIVELY CHARGED, NOT CHARGED,
4 UNFOUNDED, AND EXONERATED.

5 (2) ON OR BEFORE JULY 15 EACH YEAR, THE MARYLAND POLICE
6 TRAINING AND STANDARDS COMMISSION SHALL POST ON ITS WEBSITE AND SUBMIT
7 TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE
8 GOVERNMENT ARTICLE, A COMPENDIUM OF THE INFORMATION SUBMITTED BY LAW
9 ENFORCEMENT AGENCIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

10 (3) IF A LAW ENFORCEMENT AGENCY HAS NOT SUBMITTED THE
11 REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY JULY 1 FOR
12 THE PREVIOUS CALENDAR YEAR, THE GOVERNOR'S OFFICE OF CRIME
13 PREVENTION, YOUTH, AND VICTIM SERVICES MAY NOT MAKE ANY GRANT FUNDS
14 AVAILABLE TO THAT LAW ENFORCEMENT AGENCY.

15 3-515.

16 (a) (1) Except as provided in [subsection (b) of this section] PARAGRAPH (2)
17 OF THIS SUBSECTION, each law enforcement agency shall post all of the official policies of
18 the law enforcement agency, including public complaint procedures and collective
19 bargaining agreements:

20 [(1)] (I) on the website of the Maryland Police Training and Standards
21 Commission; and

22 [(2)] (II) on the agency's own website, if the agency maintains a website.

23 [(b)] (2) A chief may prohibit the posting under this [section] SUBSECTION of
24 administrative or operational policies that if disclosed would jeopardize operations or create
25 a risk to public or officer safety, including policies related to high-risk prisoner transport
26 security measures, operational response to active shooters, or the use of confidential
27 informants.

28 (B) EACH LAW ENFORCEMENT AGENCY SHALL POST IN A PROMINENT
29 PUBLIC LOCATION AN EXPLANATION OF THE PROCEDURES FOR FILING:

30 (1) A COMPLAINT OF POLICE OFFICER MISCONDUCT; AND

31 (2) A REQUEST TO OBTAIN RECORDS RELATING TO AN
32 ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT BY A POLICE
33 OFFICER UNDER THE PUBLIC INFORMATION ACT.

34 3-516.

1 (a) Each law enforcement agency shall establish a [confidential and nonpunitive]
2 ~~DATA-BASED~~ early intervention [policy for counseling officers who receive three or more
3 citizen complaints within a 12-month period] ~~SYSTEM, BASED ON GUIDELINES~~
4 ~~DEVELOPED BY THE COMMISSION, TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK~~
5 ~~FOR ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE ALL OFFICERS~~
6 ~~WHO ARE IDENTIFIED WITH RETRAINING AND BEHAVIORAL INTERVENTIONS,~~
7 ~~REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF~~
8 ~~THE USE OF EXCESSIVE FORCE.~~

9 (b) ~~THE COMMISSION SHALL DEVELOP GUIDELINES FOR AN EARLY~~
10 ~~INTERVENTION SYSTEM REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.~~

11 (c) A policy described in this section may not prevent the investigation of or
12 imposition of discipline for any particular complaint.

13 ~~3-523.~~

14 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
15 ~~INDICATED.~~

16 (2) ~~“INDEPENDENT INVESTIGATIVE AGENCY” MEANS AN~~
17 ~~INDEPENDENT UNIT OF STATE GOVERNMENT THAT MAY EMPLOY SWORN POLICE~~
18 ~~OFFICERS AND CIVILIANS FOR THE PURPOSE OF INVESTIGATING USE OF FORCE~~
19 ~~INCIDENTS INVOLVING POLICE OFFICERS.~~

20 (3) ~~“LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §~~
21 ~~3-201 OF THIS TITLE.~~

22 (4) ~~“POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS~~
23 ~~TITLE.~~

24 (5) ~~“SERIOUS INJURY” HAS THE MEANING STATED IN § 3-201 OF THE~~
25 ~~CRIMINAL LAW ARTICLE.~~

26 (B) ~~A SHOOTING INVOLVING A POLICE OFFICER OR OTHER INCIDENT~~
27 ~~INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR~~
28 ~~SERIOUS INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT INVESTIGATIVE~~
29 ~~AGENCY.~~

30 (C) ~~A LAW ENFORCEMENT AGENCY SHALL:~~

31 (1) ~~NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY~~
32 ~~ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR OTHER~~

~~INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR SERIOUS INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES AWARE OF THE INCIDENT; AND~~

~~(2) COOPERATE WITH THE INDEPENDENT INVESTIGATIVE AGENCY IN THE INVESTIGATION OF THE INCIDENT.~~

~~(D) (1) ON COMPLETION OF AN INVESTIGATION UNDER THIS SECTION, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL SUBMIT A REPORT CONTAINING THE FINDINGS OF THE INVESTIGATION TO THE STATE'S ATTORNEY WITH JURISDICTION OVER THE MATTER.~~

~~(2) AFTER THE STATE'S ATTORNEY MAKES A DECISION WHETHER OR NOT TO PROSECUTE, THE INDEPENDENT INVESTIGATIVE AGENCY SHALL PUBLICIZE THE REPORT.~~

~~(E) THE GOVERNOR ANNUALLY SHALL INCLUDE FUNDING IN THE STATE BUDGET SUFFICIENT TO PROVIDE FOR THE FULL AND PROPER OPERATION OF THE INDEPENDENT INVESTIGATIVE AGENCY.~~

3-524.

(A) THIS SECTION SHALL BE KNOWN AS THE MARYLAND USE OF FORCE STATUTE.

(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) "DEADLY FORCE" MEANS ANY FORCE THAT IS LIKELY TO CAUSE DEATH OR SERIOUS INJURY.~~

(2) "DESTRUCTIVE DEVICE" HAS THE MEANING STATED IN § 4-501 OF THE CRIMINAL LAW ARTICLE.

(3) "FIREARM SILENCER" HAS THE MEANING STATED IN § 5-621 OF THE CRIMINAL LAW ARTICLE.

~~(3) (4) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.~~

~~(4) (5) "LESS-LETHAL WEAPON" MEANS A WEAPON THAT IS EXPECTED TO CREATE LESS RISK OF CAUSING SERIOUS INJURY OR DEATH.~~

~~(5) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~

1 ~~TITLE.~~

2 ~~(6) "SERIOUS INJURY" MEANS PERMANENT IMPAIRMENT OR~~
3 ~~DISFIGUREMENT.~~

4 (6) (I) "LETHAL FORCE" MEANS ANY FORCE THAT CREATES A
5 SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, WHETHER OR NOT
6 INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY.

7 (II) "LETHAL FORCE" INCLUDES:

8 1. THE DISCHARGE OF A FIREARM AT A PERSON;

9 2. A STRIKE TO A PERSON'S HEAD, NECK, STERNUM,
10 SPINE, GROIN, OR KIDNEYS USING ANY HARD OBJECT;

11 3. A STRIKE TO A PERSON'S HEAD AGAINST A HARD,
12 FIXED OBJECT;

13 4. A KICK OR STRIKE TO A PERSON'S HEAD USING A KNEE
14 OR FOOT;

15 5. A STRIKE TO A PERSON'S THROAT;

16 6. A KNEE-DROP ON THE HEAD, NECK, OR TORSO OF A
17 PERSON IN A PRONE OR SUPINE POSITION;

18 7. A MANEUVER THAT RESTRICTS BLOOD OR OXYGEN
19 FLOW TO THE BRAIN, INCLUDING CHOKEHOLDS, STRANGLEHOLDS, NECK
20 RESTRAINTS, NECK HOLDS, AND CAROTID ARTERY RESTRAINTS;

21 8. ANY CONTACT WITH THE NECK THAT MAY INHIBIT
22 BREATHING OR BLOOD FLOW, OR THAT APPLIES PRESSURE TO THE FRONT, SIDE, OR
23 BACK OF THE NECK;

24 9. THE DISCHARGE OF A LESS-LETHAL KINETIC IMPACT
25 PROJECTILE LAUNCHER AT A PERSON'S HEAD, NECK, CHEST, OR BACK; AND

26 10. MORE THAN ONE DISCHARGE OF AN ELECTRONIC
27 CONTROL DEVICE ON A PERSON.

28 (7) "POLICE OFFICER" MEANS:

29 (I) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;

1 OR

2 (II) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS
3 TITLE.

4 (8) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A
5 DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

6 (9) "SERIOUS PHYSICAL INJURY" HAS THE MEANING STATED IN §
7 3-201 OF THE CRIMINAL LAW ARTICLE.

8 (10) "TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE
9 FACTS KNOWN TO A POLICE OFFICER, OR THAT COULD HAVE BEEN ASCERTAINED BY
10 THE POLICE OFFICER THROUGH VISUAL OBSERVATION, TOUCH, OR AUDIBLE
11 MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE POLICE OFFICER
12 LEADING UP TO AND AT THE TIME OF THE USE OF FORCE, INCLUDING:

13 (I) ACTIONS OF A PERSON AGAINST WHOM THE POLICE
14 OFFICER USES FORCE; AND

15 (II) ACTIONS OF THE POLICE OFFICER.

16 (C) (1) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN
17 SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH
18 COMPASSION TOWARD OTHERS.

19 ~~(2) A POLICE OFFICER MAY ONLY USE THE FORCE THAT IS~~
20 ~~OBJECTIVELY REASONABLE AND APPEARS TO BE NECESSARY UNDER THE~~
21 ~~CIRCUMSTANCES IN RESPONSE TO THE THREAT OR RESISTANCE BY ANOTHER~~
22 ~~PERSON.~~

23 (2) (I) A POLICE OFFICER MAY NOT USE FORCE AGAINST A PERSON
24 UNLESS THE FORCE IS NECESSARY FORCE AND PROPORTIONAL TO:

25 1. PREVENT AN IMMINENT THREAT OF PHYSICAL INJURY
26 TO A PERSON; OR

27 2. EFFECTUATE AN ARREST OF A PERSON WHO THE
28 OFFICER HAS PROBABLE CAUSE TO BELIEVE HAS COMMITTED A CRIME, TAKING
29 INTO CONSIDERATION THE SERIOUSNESS OF THE ALLEGED CRIME.

30 (II) A POLICE OFFICER MAY USE FORCE ONLY AFTER
31 EXHAUSTING REASONABLE ALTERNATIVES TO THE USE OF FORCE, AND ONLY UNTIL
32 THE USE OF FORCE ACCOMPLISHES A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.

1 **(III) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS**
2 **SOON AS:**

3 **1. THE PERSON ON WHOM FORCE IS USED:**

4 **A. IS UNDER THE POLICE OFFICER'S CONTROL; OR**

5 **B. NO LONGER POSES AN IMMINENT THREAT OF**
6 **PHYSICAL INJURY OR DEATH TO THE POLICE OFFICER OR TO ANOTHER PERSON; OR**

7 **2. THE POLICE OFFICER DETERMINES THAT FORCE WILL**
8 **NO LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL TO**
9 **ACCOMPLISH, A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.**

10 **(3) A POLICE OFFICER MAY NOT USE LETHAL FORCE AGAINST A**
11 **PERSON UNLESS:**

12 **(I) LETHAL NECESSARY FORCE IS USED AS A LAST RESORT TO**
13 **PREVENT IMMINENT THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO THE**
14 **POLICE OFFICER OR ANOTHER PERSON;**

15 **(II) THE USE OF LETHAL FORCE PRESENTS NO SUBSTANTIAL**
16 **RISK OF INJURY TO A THIRD PERSON; AND**

17 **(III) ALL REASONABLE ALTERNATIVES TO THE USE OF DEADLY**
18 **FORCE HAVE BEEN EXHAUSTED.**

19 **(3) (4) A POLICE OFFICER SHALL:**

20 **(I) WHEN TIME, CIRCUMSTANCES, AND SAFETY ALLOW, TAKE**
21 **STEPS TO GAIN COMPLIANCE AND DE-ESCALATE CONFLICT WITHOUT USING**
22 **PHYSICAL FORCE;**

23 **(II) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE**
24 **BY ANOTHER POLICE OFFICER BEYOND WHAT IS OBJECTIVELY REASONABLE UNDER**
25 **~~THE CIRCUMSTANCES~~ AUTHORIZED UNDER PARAGRAPHS (2) AND (3) OF THIS**
26 **SUBSECTION;**

27 **(III) RENDER BASIC FIRST AID TO A PERSON INJURED AS A**
28 **RESULT OF POLICE ACTION AND PROMPTLY REQUEST MEDICAL ASSISTANCE; AND**

29 **(IV) FULLY DOCUMENT ALL USE OF FORCE INCIDENTS THAT THE**
30 **OFFICER OBSERVED OR WAS INVOLVED IN.**

1 ~~(4)~~ (5) A POLICE SUPERVISOR SHALL:

2 (I) RESPOND TO THE SCENE OF ANY INCIDENT DURING WHICH
3 A POLICE OFFICER USED PHYSICAL FORCE AND CAUSED PHYSICAL INJURY; AND

4 (II) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A
5 USE OF FORCE INCIDENT.

6 ~~(5)~~ (6) A LAW ENFORCEMENT AGENCY SHALL:

7 (I) HAVE A WRITTEN DE-ESCALATION OF FORCE POLICY; AND

8 (II) ADOPT A WRITTEN POLICY REQUIRING SUPERVISORY AND
9 COMMAND-LEVEL REVIEW OF ALL USE OF FORCE INCIDENTS.

10 ~~(6)~~ (7) A POLICE OFFICER SHALL:

11 (I) UNDERGO TRAINING ON WHEN A POLICE OFFICER MAY OR
12 MAY NOT DRAW A FIREARM OR POINT A FIREARM AT A PERSON AND ENFORCEMENT
13 OPTIONS THAT ARE LESS LIKELY TO CAUSE DEATH OR SERIOUS INJURY, INCLUDING
14 SCENARIO-BASED TRAINING, DE-ESCALATION TACTICS AND TECHNIQUES, AND
15 REASONABLE ALTERNATIVES TO DECREASE PHYSICAL INJURY; AND

16 (II) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT
17 THE OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF
18 FORCE STATUTE.

19 ~~(7) A POLICE OFFICER MAY ONLY USE DEADLY FORCE TO STOP AN~~
20 ~~IMMINENT THREAT OF DEATH OR SERIOUS INJURY TO THE OFFICER OR ANOTHER~~
21 ~~PERSON.~~

22 (8) ALL POLICE OFFICERS SHALL:

23 (I) UNDERGO LESS-LETHAL FORCE TRAINING; AND

24 (II) BE TRAINED AND EQUIPPED WITH LESS-LETHAL WEAPONS
25 THAT MAY ASSIST THE OFFICER IN CONTROLLING RESISTANT OR ASSAULTIVE
26 BEHAVIOR.

27 ~~(9) A POLICE OFFICER MAY NOT:~~

28 ~~(i) DISCHARGE A FIREARM AT A MOVING VEHICLE UNLESS:~~

29 ~~1. THE VEHICLE IS BEING USED AS A DEADLY WEAPON~~

~~TOWARD THE OFFICER OR ANOTHER PERSON; AND~~

~~2. DEADLY FORCE IS THE ONLY REASONABLE MEANS AVAILABLE TO STOP THE THREAT; OR~~

~~(H) USE A CHOKEHOLD, NECK RESTRAINT, OR ANY OTHER TYPE OF RESTRAINT THAT RESTRICTS BLOOD FLOW OR BREATH ON ANOTHER PERSON.~~

~~(10) (9) A LAW ENFORCEMENT AGENCY MAY NOT ACQUIRE A SURPLUS ARMORED OR WEAPONIZED VEHICLE RECEIVE THE FOLLOWING, WHETHER ASSEMBLED OR IN PARTS, FROM A SURPLUS PROGRAM:~~

~~(I) AN ARMORED OR WEAPONIZED:~~

~~1. AIRCRAFT;~~

~~2. DRONE; OR~~

~~3. VEHICLE;~~

~~(II) A DESTRUCTIVE DEVICE;~~

~~(III) A FIREARM SILENCER; OR~~

~~(IV) A GRENADE LAUNCHER.~~

~~(D) (1) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY VIOLATE SUBSECTION (C) OF THIS SECTION.~~

~~(2) A POLICE OFFICER WHO KNOWINGLY AND WILLFULLY VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.~~

~~(E) (1) A POLICE OFFICER MAY NOT RECKLESSLY VIOLATE SUBSECTION (C) OF THIS SECTION.~~

~~(2) A POLICE OFFICER WHO RECKLESSLY VIOLATES SUBSECTION (C) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS.~~

(D) (1) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION THAT RESULTS IN DEATH MAY BE CHARGED WITH MANSLAUGHTER OR MURDER UNDER TITLE 2, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.

1 **(2) A POLICE OFFICER WHO USES LETHAL FORCE AGAINST A PERSON**
2 **IN A MANNER INCONSISTENT WITH SUBSECTION (C)(2) OR (3) OF THIS SECTION THAT**
3 **DOES NOT RESULT IN DEATH MAY BE CHARGED WITH RECKLESS ENDANGERMENT**
4 **OR ASSAULT UNDER TITLE 3, SUBTITLE 2 OF THE CRIMINAL LAW ARTICLE.**

5 **(E) (1) A PERSON MAY SEEK RELIEF BY FILING WITH ANY COURT OF**
6 **COMPETENT JURISDICTION A CIVIL ACTION FOR DAMAGES ARISING OUT OF THE USE**
7 **OF FORCE BY A POLICE OFFICER IN A MANNER INCONSISTENT WITH SUBSECTION**
8 **(C)(2) OR (3) OF THIS SECTION.**

9 **(2) A PERSON IS NOT LIMITED TO OR PRECLUDED FROM PURSUING**
10 **ANY OTHER LEGAL REMEDY BY PROCEEDING UNDER THIS SUBTITLE.**

11 **(F) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND**
12 **VICTIM SERVICES SHALL WITHHOLD GRANT FUNDING FROM A LAW ENFORCEMENT**
13 **AGENCY THAT VIOLATES SUBSECTION (C) OF THIS SECTION.**

14 **(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE MARYLAND POLICE**
15 **TRAINING AND STANDARDS COMMISSION SHALL SUBMIT A REPORT TO THE**
16 **GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE**
17 **STATE GOVERNMENT ARTICLE, THAT:**

18 **(1) LISTS THE LAW ENFORCEMENT AGENCIES THAT VIOLATED**
19 **SUBSECTION (C) OF THIS SECTION DURING THE PRECEDING 1-YEAR PERIOD; AND**

20 **(2) DESCRIBES THE NATURE OF EACH VIOLATION.**

21 ~~SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
22 ~~as follows:~~

23 ~~Article Public Safety~~

24 ~~3-525.~~

25 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
26 ~~INDICATED.~~

27 ~~(2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
28 ~~3-201 OF THIS TITLE.~~

29 ~~(3) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
30 ~~TITLE.~~

31 ~~(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH LAW~~
32 ~~ENFORCEMENT AGENCY SHALL ESTABLISH AND IMPLEMENT A DISCIPLINE PROCESS~~

1 ~~THAT:~~

2 ~~(1) IS OPEN AND TRANSPARENT;~~

3 ~~(2) INCLUDES AN ADMINISTRATIVE CHARGING COMMITTEE AS~~
4 ~~SPECIFIED IN § 3-201 OF THIS TITLE;~~

5 ~~(3) INCLUDES THE USE OF A TRIAL BOARD THAT INCLUDES AT LEAST~~
6 ~~ONE-THIRD MEMBERSHIP BY CIVILIANS WITH VOTING POWER;~~

7 ~~(4) BEFORE DISCIPLINARY ACTION IS TAKEN AGAINST A POLICE~~
8 ~~OFFICER, PROVIDES THE RIGHT TO A TRIAL BOARD FOR THE POLICE OFFICER;~~

9 ~~(5) PROHIBITS THE USE OF A TRIAL BOARD FOR THE DISCIPLINE OF A~~
10 ~~POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
11 ~~JUDGMENT FOR A CRIME; AND~~

12 ~~(6) REQUIRES THE CHIEF OF THE AGENCY TO DETERMINE DISCIPLINE~~
13 ~~FOR A POLICE OFFICER WHO HAS RECEIVED A CONVICTION OR PROBATION BEFORE~~
14 ~~JUDGMENT FOR A CRIME.~~

15 ~~(C) EACH LAW ENFORCEMENT AGENCY SHALL POST THE POLICE~~
16 ~~DISCIPLINE PROCESS ESTABLISHED IN ACCORDANCE WITH THIS SECTION ON THE~~
17 ~~AGENCY'S PUBLIC WEBSITE.~~

18 ~~(D) CIVILIAN MEMBERS OF EACH TRIAL BOARD AND ADMINISTRATIVE~~
19 ~~CHARGING COMMITTEE SHALL RECEIVE TRAINING ADMINISTERED BY THE~~
20 ~~MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON MATTERS~~
21 ~~RELATING TO POLICE PROCEDURES.~~

22 ~~(E) EACH COUNTY SHALL HAVE AN INDEPENDENT AGENCY THAT~~
23 ~~INVESTIGATES AND REVIEWS COMPLAINTS OF POLICE MISCONDUCT FILED BY~~
24 ~~MEMBERS OF THE PUBLIC.~~

25 ~~(F) A LAW ENFORCEMENT AGENCY MAY NOT NEGATE OR ALTER ANY OF THE~~
26 ~~REQUIREMENTS OF THIS SECTION THROUGH COLLECTIVE BARGAINING.~~

27 ~~3-526.~~

28 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
29 ~~INDICATED.~~

30 ~~(2) "ADMINISTRATIVELY CHARGED" MEANS THAT A POLICE OFFICER~~
31 ~~HAS BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE~~

1 ~~PROCEEDING.~~

2 ~~(3) "EXONERATED" MEANS THAT A POLICE OFFICER ACTED IN~~
3 ~~ACCORDANCE WITH THE LAW AND AGENCY POLICY.~~

4 ~~(4) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §~~
5 ~~3-201 OF THIS TITLE.~~

6 ~~(5) "NOT ADMINISTRATIVELY CHARGED" MEANS THAT A~~
7 ~~DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE~~
8 ~~OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.~~

9 ~~(6) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS~~
10 ~~TITLE.~~

11 ~~(7) "SUPERIOR GOVERNMENTAL AUTHORITY" MEANS THE~~
12 ~~GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.~~

13 ~~(8) "UNFOUNDED" MEANS THAT THE ALLEGATIONS AGAINST A~~
14 ~~POLICE OFFICER ARE NOT SUPPORTED BY FACT.~~

15 ~~(B) (1) AN ADMINISTRATIVE CHARGING COMMITTEE CONSISTS OF:~~

16 ~~(I) THE DIRECTOR OF INTERNAL AFFAIRS OF THE LAW~~
17 ~~ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER WHO IS SUBJECT TO~~
18 ~~INVESTIGATION, OR THE DIRECTOR'S DESIGNEE;~~

19 ~~(II) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~
20 ~~AUTHORITY OF THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER OR~~
21 ~~THE HEAD ATTORNEY'S DESIGNEE, IF THE DESIGNEE IS A MEMBER OF THE~~
22 ~~MARYLAND BAR;~~

23 ~~(III) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS A~~
24 ~~MEMBER OF THE MARYLAND BAR;~~

25 ~~(IV) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE~~
26 ~~JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS A MEMBER~~
27 ~~OF THE MARYLAND BAR; AND~~

28 ~~(V) ONE CIVILIAN REPRESENTATIVE SELECTED BY THE POLICE~~
29 ~~ACCOUNTABILITY BOARD FOR THE JURISDICTION WHERE THE ALLEGED~~
30 ~~MISCONDUCT OCCURRED.~~

31 ~~(2) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL~~

~~1 AUTHORITY OR THE HEAD ATTORNEY'S DESIGNEE SHALL SERVE AS THE CHAIR OF
2 AN ADMINISTRATIVE CHARGING COMMITTEE.~~

~~3 (C) (1) ON COMPLETION OF AN INVESTIGATION OF A COMPLAINT
4 AGAINST A POLICE OFFICER, THE LAW ENFORCEMENT AGENCY SHALL FORWARD TO
5 AN ADMINISTRATIVE CHARGING COMMITTEE THE INVESTIGATORY FILES FOR ALL
6 MATTERS INVOLVING:~~

~~7 (I) ALLEGATIONS OF MISCONDUCT MADE BY A MEMBER OF THE
8 PUBLIC; AND~~

~~9 (II) ANY ALLEGATION RELATING TO DISHONESTY, THE
10 VIOLATION OF A CRIMINAL STATUTE, SEXUAL HARASSMENT, OR RACIAL
11 HARASSMENT.~~

~~12 (2) AN ALLEGATION NOT SPECIFIED UNDER PARAGRAPH (1) OF THIS
13 SUBSECTION SHALL PROCEED IN ACCORDANCE WITH THE POLICIES AND
14 PROCEDURES OF THE LAW ENFORCEMENT AGENCY.~~

~~15 (D) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:~~

~~16 (1) REVIEW THE FINDINGS OF A LAW ENFORCEMENT AGENCY'S
17 INVESTIGATION CONDUCTED AND FORWARDED IN ACCORDANCE WITH SUBSECTION
18 (C) OF THIS SECTION;~~

~~19 (2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS
20 SUBJECT TO INVESTIGATION SHALL BE:~~

~~21 (I) ADMINISTRATIVELY CHARGED; OR~~

~~22 (II) NOT ADMINISTRATIVELY CHARGED;~~

~~23 (3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN
24 ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX;~~

~~25 (4) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS
26 FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND~~

~~27 (5) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW
28 ENFORCEMENT AGENCY.~~

~~29 (E) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (D) OF
30 THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:~~

~~(1) REQUEST INFORMATION OR ACTION FROM THE LAW ENFORCEMENT AGENCY THAT CONDUCTED THE INVESTIGATION, INCLUDING REQUIRING ADDITIONAL INVESTIGATION AND THE ISSUANCE OF SUBPOENAS; AND~~

~~(2) IF THE POLICE OFFICER IS NOT CHARGED, MAKE A DETERMINATION THAT:~~

~~(I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE UNFOUNDED; OR~~

~~(II) THE POLICE OFFICER IS EXONERATED.~~

~~(F) NOTWITHSTANDING TITLE 3 OF THE GENERAL PROVISIONS ARTICLE, THE MEETINGS OF AN ADMINISTRATIVE CHARGING COMMITTEE ARE NOT SUBJECT TO THE REQUIREMENTS OF THE OPEN MEETINGS ACT.~~

Article – State Personnel and Pensions

20–210.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ACCUMULATED CONTRIBUTIONS” MEANS THE AMOUNTS CREDITED, INCLUDING INTEREST, TO A LAW ENFORCEMENT OFFICER’S INDIVIDUAL ACCOUNT IN THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.

(3) “FINAL ADJUDICATION” MEANS FINAL DISPOSITION OF ALL CHARGES THAT CONSTITUTE A QUALIFYING CRIME FROM WHICH NO FURTHER RIGHT TO APPEAL OR REVIEW EXISTS.

(4) “LAW ENFORCEMENT OFFICER” MEANS AN INDIVIDUAL WHO IS A MEMBER, FORMER MEMBER, OR RETIREE OF:

(I) THE STATE POLICE RETIREMENT SYSTEM;

(II) THE LAW ENFORCEMENT OFFICERS’ PENSION SYSTEM; OR

(III) A LOCAL PENSION SYSTEM FOR EMPLOYMENT AS A SWORN LAW ENFORCEMENT OFFICER.

(5) “QUALIFYING CRIME” MEANS ANY OF THE FOLLOWING CRIMINAL OFFENSES THAT WERE COMMITTED IN THE COURSE OF THE PERFORMANCE OF A

1 LAW ENFORCEMENT OFFICER'S DUTIES:

2 (I) A FELONY; OR

3 (II) PERJURY OR ANOTHER MISDEMEANOR RELATING TO
4 TRUTHFULNESS AND VERACITY.

5 (B) THIS SECTION DOES NOT APPLY TO:

6 (1) ACCUMULATED CONTRIBUTIONS MADE BEFORE JULY 1, 2022;

7 (2) ANY SERVICE EARNED BEFORE JULY 1, 2022; OR

8 (3) A QUALIFYING CRIME COMMITTED BEFORE JULY 1, 2022.

9 (C) BENEFITS UNDER THIS DIVISION II OF THIS ARTICLE OR A LOCAL
10 PENSION SYSTEM PAYABLE TO A LAW ENFORCEMENT OFFICER ARE SUBJECT TO
11 FORFEITURE IN WHOLE OR IN PART IN ACCORDANCE WITH THIS SECTION IF THE LAW
12 ENFORCEMENT OFFICER IS FOUND GUILTY OF, PLEADS GUILTY TO, OR ENTERS A
13 PLEA OF NOLO CONTENDERE TO A QUALIFYING CRIME.

14 (D) (1) IF THE FINAL ADJUDICATION OF CHARGES RESULTS IN
15 CONVICTION OF A LAW ENFORCEMENT OFFICER, THE LAW ENFORCEMENT
16 OFFICER'S RETIREMENT ALLOWANCE MAY BE FORFEITED IN WHOLE OR IN PART IN
17 ACCORDANCE WITH THIS SECTION.

18 (2) ON CONVICTION OF A LAW ENFORCEMENT OFFICER, THE
19 ATTORNEY GENERAL OR THE STATE'S ATTORNEY SHALL FILE A COMPLAINT IN
20 CIRCUIT COURT TO FORFEIT THE LAW ENFORCEMENT OFFICER'S BENEFITS IN
21 WHOLE OR IN PART.

22 (E) THE COURT MAY ENTER AN ORDER REQUIRING THE FORFEITURE, IN
23 WHOLE OR IN PART, OF THE LAW ENFORCEMENT OFFICER'S BENEFITS IF THE COURT
24 FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

25 (1) THE LAW ENFORCEMENT OFFICER WAS CONVICTED OF A
26 QUALIFYING CRIME;

27 (2) THE LAW ENFORCEMENT OFFICER WAS A MEMBER OF THE STATE
28 POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION
29 SYSTEM, OR A LOCAL PENSION SYSTEM; AND

30 (3) THE QUALIFYING CRIME FOR WHICH THE LAW ENFORCEMENT
31 OFFICER WAS CONVICTED WAS COMMITTED WHILE THE LAW ENFORCEMENT

1 OFFICER WAS AN ACTIVE MEMBER OF THE STATE POLICE RETIREMENT SYSTEM,
2 THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION
3 SYSTEM.

4 (F) (1) AN ORDER REQUIRING FORFEITURE OF BENEFITS SHALL
5 INDICATE THE AMOUNT OF BENEFITS TO BE FORFEITED.

6 (2) WHEN DETERMINING THE AMOUNT OF BENEFITS TO BE
7 FORFEITED, THE COURT SHALL CONSIDER:

8 (I) THE SEVERITY OF THE CRIME;

9 (II) THE AMOUNT OF MONETARY LOSS SUFFERED BY THE
10 STATE, A COUNTY, A POLITICAL SUBDIVISION, OR A PERSON AS A RESULT OF THE
11 CRIME;

12 (III) THE DEGREE OF PUBLIC TRUST PLACED IN THE LAW
13 ENFORCEMENT OFFICER; AND

14 (IV) ANY OTHER FACTORS THE COURT DETERMINES RELEVANT.

15 (G) A COURT MAY ORDER A LAW ENFORCEMENT OFFICER SUBJECT TO A
16 FORFEITURE ORDER ISSUED UNDER THIS SECTION TO REQUEST A RETURN OF THE
17 LAW ENFORCEMENT OFFICER'S ACCUMULATED CONTRIBUTIONS, IN WHOLE OR IN
18 PART, TO BE USED FOR RESTITUTION RELATING TO A QUALIFYING CRIME.

19 SECTION ~~5~~ 7. AND BE IT FURTHER ENACTED, That on or before December 31,
20 2021, the Emergency Number Systems Board shall study and report to the House Judiciary
21 Committee and the Senate Judicial Proceedings Committee, in accordance with § 2-1257
22 of the State Government Article, regarding whether certain types of calls for 9-1-1 service
23 should be diverted to a person or entity other than law enforcement agencies.

24 SECTION 8. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall be
25 construed to apply only prospectively and may not be applied or interpreted to have any
26 effect on or application to any claim arising from a tortious act or omission committed by a
27 law enforcement officer on or before September 30, 2021.

28 SECTION 9. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall be
29 construed to apply prospectively to any Public Information Act request made on or after
30 the effective date of this Act regardless of when the record requested to be produced was
31 created.

32 SECTION ~~6~~ 10. AND BE IT FURTHER ENACTED, That Section 4 ~~6~~ of this Act
33 shall be construed to apply only prospectively and may not be applied or interpreted to have
34 any effect on or application to:

1 (1) any bona fide collective bargaining agreement entered into on or before
 2 ~~September 30, 2021~~ June 30, 2022, for the duration of the contract term, excluding any
 3 extensions, options to extend, or renewals of the term of the original contract; or

4 (2) a disciplinary matter against a law enforcement officer based on alleged
 5 misconduct occurring before ~~the effective date of this Act~~ July 1, 2022.

6 SECTION ~~7~~ 11. AND BE IT FURTHER ENACTED, That the publishers of the
 7 Annotated Code of Maryland, in consultation with and subject to the approval of the
 8 Department of Legislative Services, shall correct, with no further action required by the
 9 General Assembly, cross-references and terminology rendered incorrect by this Act.
 10 Cross-references to the term “law enforcement officer” as formerly stated under § 3–101(e)
 11 of the Public Safety Article of the Annotated Code of Maryland shall be redesignated as
 12 cross-references to the term “law enforcement officer” as stated under § 1–101(c) of the
 13 Public Safety Article. The publishers shall adequately describe any such correction in an
 14 editor’s note following the section affected.

15 SECTION 12. AND BE IT FURTHER ENACTED, That it is the intent of the General
 16 Assembly that the Maryland Higher Education Commission adopt similar regulations for
 17 determining award calculations for the Maryland Police Officers Repayment Program
 18 under Title 18, Subtitle 38 of the Education Article as the award calculation regulations in
 19 COMAR 13B.08.02.06 for the Janet L. Hoffman Loan Assistance Repayment Program
 20 under Title 18, Subtitle 15 of the Education Article.

21 SECTION ~~8~~ 13. AND BE IT FURTHER ENACTED, That Sections 1, 2, and 6 of this
 22 Act shall take effect ~~October 1, 2021~~ July 1, 2022.

23 SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in
 24 Section 13 of this Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.