

# HOUSE BILL 670

E4

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

Introduced and read first time: January 26, 2021

Assigned to: Judiciary

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## A BILL ENTITLED

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; altering a certain ground for  
7 issuance of a certain search warrant; repealing a certain ground for issuance of a  
8 certain search warrant; authorizing a judge to issue a certain “no–knock” search  
9 warrant only under certain circumstances; providing that a warrant to search a  
10 residence shall be executed between certain times, absent certain circumstances;  
11 providing that an individual attending a certain institution of higher education is  
12 exempt from paying tuition under certain circumstances; requiring an individual  
13 who has received a certain exemption from tuition payment to pay a certain value to  
14 a certain institution under certain circumstances; altering the membership of the  
15 Maryland Police Training and Standards Commission; requiring the Commission to  
16 develop and administer training programs on certain matters for citizens who intend  
17 to qualify to participate as a member of a certain charging committee and citizens  
18 who are appointed to serve as members of the Commission; requiring the  
19 Commission to take certain actions in response to certain violations of a certain Use  
20 of Force Statute; requiring the Commission to develop a test and training for implicit  
21 bias, require certain law enforcement agencies to use the implicit bias test at a  
22 certain time, and require certain police officers to complete implicit bias testing and  
23 training at certain times; altering a certain requirement for police officer certification  
24 that an individual submit to a psychological evaluation to require that an individual  
25 submit to a mental health screening by a certain professional; adding as a  
26 requirement for police officer certification that an individual submit to a certain  
27 physical agility assessment; requiring a police officer, as a condition of certification,  
28 to submit to a mental health assessment and a physical agility assessment at a  
29 certain time for a certain purpose; establishing that prior marijuana use is not a  
30 disqualifier for certification as a police officer and may not be the basis for

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

1 certain circumstances; prohibiting a police officer from using a chokehold, neck  
2 restraint, or a certain other type of restraint; prohibiting a law enforcement agency  
3 from acquiring a certain armored or weaponized vehicle; requiring a law enforcement  
4 agency to have a written de-escalation of force policy; prohibiting a police officer  
5 from knowingly and willfully violating certain provisions of this Act; prohibiting a  
6 police officer from recklessly violating certain provisions of this Act; establishing  
7 certain penalties for a violation of certain provisions of this Act; requiring the  
8 Governor's Office of Crime Prevention, Youth, and Victim Services to withhold grant  
9 funding from a certain law enforcement agency; establishing that a certain provision  
10 of law shall be known as the Maryland Use of Force Statute; requiring the Maryland  
11 Police Training and Standards Commission to submit a certain annual report to the  
12 Governor and General Assembly; requiring each law enforcement agency to establish  
13 and implement a certain police discipline process with certain requirements;  
14 requiring each law enforcement agency to post the police discipline process on the  
15 agency's public website; requiring certain members of trial boards and  
16 administrative charging committees to receive certain training; prohibiting a law  
17 enforcement agency from negating or altering certain requirements of a certain  
18 provision of law through collective bargaining; providing for the establishment,  
19 composition, and duties of an administrative charging committee; requiring, that on  
20 completion of a certain investigation, a law enforcement agency forward the  
21 investigatory files for certain matters to an administrative charging committee;  
22 requiring that a certain allegation proceed in accordance with the policies and  
23 procedures of a certain law enforcement agency; providing that the meetings of an  
24 administrative charging committee are not subject to the requirements of the Open  
25 Meetings Act; requiring the Emergency Number Systems Board to conduct a certain  
26 study and submit a certain report; providing for the application of a certain provision  
27 of this Act; requiring a certain publisher, in consultation with and subject to the  
28 approval of the Department of Legislative Services, to correct certain  
29 cross-references and terminology and describe a certain correction in a certain  
30 manner; making conforming changes; defining certain terms; and generally relating  
31 to police reform.

32 BY renumbering

33 Article – Public Safety

34 Section 1–101(c) and (d) and 3–101(e), respectively  
35 to be Section 1–101(d) and (e) and (c), respectively

36 Annotated Code of Maryland

37 (2018 Replacement Volume and 2020 Supplement)

38 BY repealing

39 Article – Public Safety

40 Section 3–101 through 3–113 and the subtitle “Subtitle 1. Law Enforcement Officers’  
41 Bill of Rights”

42 Annotated Code of Maryland

43 (2018 Replacement Volume and 2020 Supplement)

44 BY repealing and reenacting, with amendments,

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

5 BY repealing and reenacting, with amendments,  
6 Article – Criminal Procedure  
7 Section 1–203(a)(2)(vi)  
8 Annotated Code of Maryland  
9 (2018 Replacement Volume and 2020 Supplement)

10 BY adding to  
11 Article – Criminal Procedure  
12 Section 1–203(a)(7)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2020 Supplement)

15 BY adding to  
16 Article – Education  
17 Section 15–106.11  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2020 Supplement)

20 BY repealing and reenacting, with amendments,  
21 Article – Public Safety  
22 Section 3–203, 3–207(g), 3–209, 3–215, 3–511, and 3–516  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2020 Supplement)

25 BY adding to  
26 Article – Public Safety  
27 Section 3–207(j) and (k), 3–508, and 3–523 through 3–526  
28 Annotated Code of Maryland  
29 (2018 Replacement Volume and 2020 Supplement)

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

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

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

**Article 4 – Baltimore City**

1  
2 16–2.

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

17 16–3.

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

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

**Article – Criminal Procedure**

34  
35 1–203.

36 (a) (2) (vi) An application for a search warrant may contain a request that  
37 the search warrant authorize the executing law enforcement officer to enter the building,  
38 apartment, premises, place, or thing to be searched without giving notice of the officer's

1 authority or purpose, on the [grounds] **GROUND** that there is [reasonable suspicion to  
2 believe] **CLEAR AND CONVINCING EVIDENCE** that, without the authorization[:

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

5 2.] the life or safety of the executing officer or another person  
6 may be endangered.

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

9 **Article – Education**

10 **15–106.11.**

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

13 **(2) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THE**  
14 **PUBLIC SAFETY ARTICLE.**

15 **(3) “TUITION” MEANS THE CHARGES IMPOSED BY AN INSTITUTION OF**  
16 **HIGHER EDUCATION FOR ALL CREDIT-BEARING COURSES REQUIRED AS A**  
17 **CONDITION OF ENROLLMENT AT THE INSTITUTION.**

18 **(B) AN INDIVIDUAL ATTENDING A PUBLIC INSTITUTION OF HIGHER**  
19 **EDUCATION IS EXEMPT FROM PAYING TUITION IF THE INDIVIDUAL:**

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

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

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

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

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

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

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

5                                 **Article – Public Safety**

6         3–203.

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

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

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

10                (3) the Attorney General of the State;

11                (4) the Secretary of State Police;

12                (5) the agent in charge of the Baltimore office of the Federal Bureau of  
13 Investigation;

14                (6) one member representing the Maryland State Lodge of Fraternal Order  
15 of Police;

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

17                (8) [the Chair of the Maryland Municipal League Police Executive  
18 Association;

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

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

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

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

25                (13) two members of the Senate of Maryland, appointed by the President of  
26 the Senate;

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

1            **[(15)] (9)** the following individuals, appointed by the Governor with the  
2 advice and consent of the Senate:

3            (i)    **[three police officers, representing different geographic areas of**  
4 the State;

5            (ii) **] one individual with expertise in community policing;**

6            **[(iii)] (II)** one individual with expertise in policing standards;

7            **[(iv)] (III)** one individual with expertise in mental health **WITHOUT**  
8 **RELATIONSHIPS TO LAW ENFORCEMENT;** and

9            **[(v)] (IV)** **[two] NINE** citizens of the State without relationships to  
10 law enforcement.

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

12                    (2)    The terms of the appointed members are staggered as required by the  
13 terms provided for members of the Commission on October 1, 2016.

14                    (3)    At the end of a term, an appointed member continues to serve until a  
15 successor is appointed and qualifies.

16                    (4)    A member who is appointed after a term has begun serves only for the  
17 remainder of the term and until a successor is appointed and qualifies.

18           (c)    Except for the appointed members, a member of the Commission may serve  
19 personally at a Commission meeting or may designate a representative from the member's  
20 unit, agency, or association who may act at any meeting to the same effect as if the member  
21 were personally present.

22           **[(d)** The members of the Commission appointed from the Senate of Maryland and  
23 the House of Delegates shall serve in an advisory capacity only.]

24 3-207.

25           (g)    The Commission shall develop and administer:

26                    (1)    a training program on **[the Law Enforcement Officers' Bill of Rights**  
27 **and]** matters relating to police procedures for citizens who intend to qualify to participate  
28 as a member of a **[hearing board under § 3-107 of this title] TRIAL BOARD OR CHARGING**  
29 **COMMITTEE UNDER § 3-525 OF THIS TITLE; AND**

30                    (2)    **A TRAINING PROGRAM ON MATTERS RELATING TO POLICE**



1 TRAINING AND STANDARDS FOR CITIZENS WHO ARE APPOINTED TO SERVE AS  
2 MEMBERS OF THE COMMISSION.

3 (J) THE COMMISSION SHALL:

4 (1) (I) HOLD LAW ENFORCEMENT AGENCIES ACCOUNTABLE FOR  
5 VIOLATIONS OF THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE; AND

6 (II) WORK WITH THE COMPTROLLER AND THE GOVERNOR'S  
7 OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES TO ENSURE THAT  
8 STATE GRANT FUNDING IS WITHHELD FROM A LAW ENFORCEMENT AGENCY THAT  
9 VIOLATES THE USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE;

10 (2) REVOKE THE CERTIFICATION OF A POLICE OFFICER WHO HAS  
11 BEEN:

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

14 (II) CONVICTED OF A FELONY;

15 (III) CONVICTED OF PERJURY OR ANOTHER MISDEMEANOR  
16 RELATING TO TRUTHFULNESS AND VERACITY; OR

17 (IV) PREVIOUSLY FIRED OR RESIGNED WHILE BEING  
18 INVESTIGATED FOR SERIOUS MISCONDUCT OR USE OF EXCESSIVE FORCE; AND

19 (3) CREATE A STATEWIDE DATABASE TO TRACK POLICE OFFICER  
20 DE-CERTIFICATIONS DUE TO IMPROPER USE OF FORCE.

21 (K) THE COMMISSION SHALL:

22 (1) DEVELOP A TEST AND TRAINING FOR IMPLICIT BIAS;

23 (2) REQUIRE ALL LAW ENFORCEMENT AGENCIES TO USE THE  
24 IMPLICIT BIAS TEST IN THE HIRING PROCESS;

25 (3) REQUIRE ALL NEW POLICE OFFICERS TO COMPLETE IMPLICIT  
26 BIAS TESTING AND TRAINING; AND

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

1 3–209.

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

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

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

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

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

11 **[(3)] (4)** submits to a criminal history records check in accordance with §  
12 3–209.1 of this subtitle; and

13 **[(4)] (5)** (i) is a United States citizen; or

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

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

20 (c) The Commission may certify as a police officer an individual who is not  
21 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the  
22 selection and training standards of the Commission.

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

25 **(E) AS A CONDITION OF CERTIFICATION, A POLICE OFFICER SHALL**  
26 **ANNUALLY SUBMIT TO A MENTAL HEALTH ASSESSMENT AND A PHYSICAL AGILITY**  
27 **ASSESSMENT TO ESTABLISH CONTINUING FITNESS TO CARRY OUT THE DUTIES OF A**  
28 **POLICE OFFICER.**

29 **(F) PRIOR MARIJUANA USE IS NOT A DISQUALIFIER FOR CERTIFICATION AS**  
30 **A POLICE OFFICER.**

31 3–215.

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

2 (2) "Permanent appointment" means the appointment of an individual who  
3 has satisfactorily met the minimum standards of the Commission and is certified as a police  
4 officer.

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

7 (4) "Police supervisor" means a police officer who has been promoted to  
8 first-line supervisory duties.

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

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

15 (d) A probationary appointee is entitled to a leave of absence with pay during the  
16 period of the training program.

17 (E) **PRIOR MARIJUANA USE MAY NOT BE THE BASIS FOR DISQUALIFYING AN**  
18 **APPLICANT FOR A POSITION AS A POLICE OFFICER.**

19 **3-508.**

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

22 (2) **"COMMISSION" MEANS THE MARYLAND POLICE TRAINING AND**  
23 **STANDARDS COMMISSION.**

24 (3) **"LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §**  
25 **3-201 OF THIS TITLE.**

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

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

30 (6) **"SWAT TEAM" MEANS A SPECIAL UNIT COMPOSED OF TWO OR**  
31 **MORE POLICE OFFICERS WITHIN A LAW ENFORCEMENT AGENCY TRAINED TO DEAL**

1 WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND HAVING SPECIAL  
2 EQUIPMENT AND WEAPONS, INCLUDING RIFLES MORE POWERFUL THAN THOSE  
3 CARRIED BY REGULAR POLICE OFFICERS.

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

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

10 (2) THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL  
11 CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS  
12 DEPLOYED FOR EACH ACTIVATION;

13 (3) THE REASON FOR EACH ACTIVATION AND DEPLOYMENT OF THE  
14 SWAT TEAM;

15 (4) THE LEGAL AUTHORITY, INCLUDING TYPE OF WARRANT, IF ANY,  
16 FOR EACH ACTIVATION AND DEPLOYMENT OF THE SWAT TEAM; AND

17 (5) THE RESULT OF EACH ACTIVATION AND DEPLOYMENT OF THE  
18 SWAT TEAM, INCLUDING:

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

20 (II) WHETHER PROPERTY WAS SEIZED;

21 (III) WHETHER A FORCIBLE ENTRY WAS MADE;

22 (IV) WHETHER A WEAPON WAS DISCHARGED BY A SWAT TEAM  
23 MEMBER; AND

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

26 (C) THE COMMISSION, IN CONSULTATION WITH THE OFFICE, SHALL  
27 DEVELOP A STANDARDIZED FORMAT THAT EACH LAW ENFORCEMENT AGENCY  
28 SHALL USE IN REPORTING DATA TO THE OFFICE UNDER SUBSECTION (B) OF THIS  
29 SECTION.

30 (D) A LAW ENFORCEMENT AGENCY SHALL:

1           **(1) COMPILER THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**  
2 **SECTION FOR EACH 6-MONTH PERIOD AS A REPORT IN THE FORMAT REQUIRED**  
3 **UNDER SUBSECTION (C) OF THIS SECTION; AND**

4           **(2) NOT LATER THAN THE 15TH DAY OF THE MONTH FOLLOWING THE**  
5 **6-MONTH PERIOD THAT IS THE SUBJECT OF THE REPORT, SUBMIT THE REPORT TO:**

6                   **(I) THE OFFICE; AND**

7                           **(II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION**  
8 **SERVED BY THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM**  
9 **THAT IS THE SUBJECT OF THE REPORT; OR**

10                                   **2. IF THE JURISDICTION SERVED BY THE LAW**  
11 **ENFORCEMENT AGENCY THAT EMPLOYS THE SWAT TEAM THAT IS THE SUBJECT OF**  
12 **THE REPORT IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE OFFICER OF**  
13 **THE JURISDICTION.**

14           **(E) (1) THE OFFICE SHALL ANALYZE AND SUMMARIZE THE REPORTS OF**  
15 **LAW ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS**  
16 **SECTION.**

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

18                           **(I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF**  
19 **THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF**  
20 **THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §**  
21 **2-1257 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT**  
22 **AGENCY; AND**

23                           **(II) PUBLISH THE REPORT ON ITS WEBSITE.**

24           **(F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
25 **REPORTING PROVISIONS OF THIS SECTION, THE OFFICE SHALL REPORT THE**  
26 **NONCOMPLIANCE TO THE COMMISSION.**

27                           **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE**  
28 **COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST**  
29 **THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.**

30                           **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**  
31 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**

1 CONTACTED BY THE COMMISSION WITH A REQUEST TO COMPLY, THE OFFICE AND  
2 THE COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE  
3 GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL  
4 ASSEMBLY.

5 3-511.

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

- 9 (1) the testing of body-worn cameras to ensure adequate functioning;
- 10 (2) the procedure for the law enforcement officer to follow if the camera  
11 fails to properly operate at the beginning of or during the law enforcement officer's shift;
- 12 (3) when recording is mandatory;
- 13 (4) when recording is prohibited;
- 14 (5) when recording is discretionary;
- 15 (6) when recording may require consent of a subject being recorded;
- 16 (7) when a recording may be ended;
- 17 (8) providing notice of recording;
- 18 (9) access to and confidentiality of recordings;
- 19 (10) the secure storage of data from a body-worn camera;
- 20 (11) review and use of recordings;
- 21 (12) retention of recordings;
- 22 (13) dissemination and release of recordings;
- 23 (14) consequences for violations of the agency's body-worn camera policy;
- 24 (15) notification requirements when another individual becomes a party to  
25 the communication following the initial notification;
- 26 (16) specific protections for individuals when there is an expectation of  
27 privacy in private or public places; and

1 (17) any additional issues determined to be relevant in the implementation  
2 and use of body-worn cameras by law enforcement officers.

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

5 3-516.

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

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

16 (C) A policy described in this section may not prevent the investigation of or  
17 imposition of discipline for any particular complaint.

18 3-523.

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

21 (2) "INDEPENDENT INVESTIGATIVE AGENCY" MEANS AN  
22 INDEPENDENT UNIT OF STATE GOVERNMENT THAT MAY EMPLOY SWORN POLICE  
23 OFFICERS AND CIVILIANS FOR THE PURPOSE OF INVESTIGATING USE OF FORCE  
24 INCIDENTS INVOLVING POLICE OFFICERS.

25 (3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §  
26 3-201 OF THIS TITLE.

27 (4) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS  
28 TITLE.

29 (5) "SERIOUS INJURY" HAS THE MEANING STATED IN § 3-201 OF THE  
30 CRIMINAL LAW ARTICLE.

31 (B) A SHOOTING INVOLVING A POLICE OFFICER OR OTHER INCIDENT  
32 INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR

1 SERIOUS INJURY SHALL BE INVESTIGATED BY THE INDEPENDENT INVESTIGATIVE  
2 AGENCY.

3 (C) A LAW ENFORCEMENT AGENCY SHALL:

4 (1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY  
5 ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR OTHER  
6 INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING  
7 DEATH OR SERIOUS INJURY AS SOON AS THE LAW ENFORCEMENT AGENCY BECOMES  
8 AWARE OF THE INCIDENT; AND

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

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

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

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

21 3-524.

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

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

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

28 (3) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN §  
29 3-201 OF THIS TITLE.

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



1           **(5) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THIS**  
2 **TITLE.**

3           **(6) “SERIOUS INJURY” MEANS PERMANENT IMPAIRMENT OR**  
4 **DISFIGUREMENT.**

5           **(C) (1) EACH POLICE OFFICER SHALL SIGN AN AFFIRMATIVE WRITTEN**  
6 **SANCTITY OF LIFE PLEDGE TO RESPECT EVERY HUMAN LIFE AND ACT WITH**  
7 **COMPASSION TOWARD OTHERS.**

8           **(2) A POLICE OFFICER MAY ONLY USE THE FORCE THAT IS**  
9 **OBJECTIVELY REASONABLE AND APPEARS TO BE NECESSARY UNDER THE**  
10 **CIRCUMSTANCES IN RESPONSE TO THE THREAT OR RESISTANCE BY ANOTHER**  
11 **PERSON.**

12           **(3) A POLICE OFFICER SHALL:**

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

16                   **(II) INTERVENE TO PREVENT OR TERMINATE THE USE OF FORCE**  
17 **BY ANOTHER POLICE OFFICER BEYOND WHAT IS OBJECTIVELY REASONABLE UNDER**  
18 **THE CIRCUMSTANCES;**

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

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

23           **(4) A POLICE SUPERVISOR SHALL:**

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

26                   **(II) GATHER AND REVIEW ALL KNOWN VIDEO RECORDINGS OF A**  
27 **USE OF FORCE INCIDENT.**

28           **(5) A LAW ENFORCEMENT AGENCY SHALL:**

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

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

3                   **(6) A POLICE OFFICER SHALL:**

4                   **(I) UNDERGO TRAINING ON ENFORCEMENT OPTIONS THAT ARE**  
5 **LESS LIKELY TO CAUSE DEATH OR SERIOUS INJURY, INCLUDING SCENARIO-BASED**  
6 **TRAINING; AND**

7                   **(II) SIGN A TRAINING COMPLETION DOCUMENT STATING THAT**  
8 **THE OFFICER UNDERSTANDS AND SHALL COMPLY WITH THE MARYLAND USE OF**  
9 **FORCE STATUTE.**

10                  **(7) A POLICE OFFICER MAY ONLY USE DEADLY FORCE TO STOP AN**  
11 **IMMINENT THREAT OF DEATH OR SERIOUS INJURY TO THE OFFICER OR ANOTHER**  
12 **PERSON.**

13                  **(8) ALL POLICE OFFICERS SHALL:**

14                  **(I) UNDERGO LESS-LETHAL FORCE TRAINING; AND**

15                  **(II) BE TRAINED AND EQUIPPED WITH LESS-LETHAL WEAPONS**  
16 **THAT MAY ASSIST THE OFFICER IN CONTROLLING RESISTANT OR ASSAULTIVE**  
17 **BEHAVIOR.**

18                  **(9) A POLICE OFFICER MAY NOT:**

19                  **(I) DISCHARGE A FIREARM AT A MOVING VEHICLE UNLESS:**

20                               **1. THE VEHICLE IS BEING USED AS A DEADLY WEAPON**  
21 **TOWARD THE OFFICER OR ANOTHER PERSON; AND**

22                               **2. DEADLY FORCE IS THE ONLY REASONABLE MEANS**  
23 **AVAILABLE TO STOP THE THREAT; OR**

24                  **(II) USE A CHOKEHOLD, NECK RESTRAINT, OR ANY OTHER TYPE**  
25 **OF RESTRAINT THAT RESTRICTS BLOOD FLOW OR BREATH ON ANOTHER PERSON.**

26                  **(10) A LAW ENFORCEMENT AGENCY MAY NOT ACQUIRE A SURPLUS**  
27 **ARMORED OR WEAPONIZED VEHICLE.**

28                  **(D) (1) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY**

1 VIOLATE SUBSECTION (C) OF THIS SECTION.

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

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

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

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

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

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

19 (2) DESCRIBES THE NATURE OF EACH VIOLATION.

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

22 **Article – Public Safety**

23 **3-525.**

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

26 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §  
27 3-201 OF THIS TITLE.

28 (3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS  
29 TITLE.

30 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH LAW

1 ENFORCEMENT AGENCY SHALL ESTABLISH AND IMPLEMENT A DISCIPLINE PROCESS  
2 THAT:

3 (1) IS OPEN AND TRANSPARENT;

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

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

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

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

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

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

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

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

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

28 **3-526.**

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

1           (2) “ADMINISTRATIVELY CHARGED” MEANS THAT A POLICE OFFICER  
2 HAS BEEN FORMALLY ACCUSED OF MISCONDUCT IN AN ADMINISTRATIVE  
3 PROCEEDING.

4           (3) “EXONERATED” MEANS THAT A POLICE OFFICER ACTED IN  
5 ACCORDANCE WITH THE LAW AND AGENCY POLICY.

6           (4) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §  
7 3-201 OF THIS TITLE.

8           (5) “NOT ADMINISTRATIVELY CHARGED” MEANS THAT A  
9 DETERMINATION HAS BEEN MADE NOT TO ADMINISTRATIVELY CHARGE A POLICE  
10 OFFICER IN CONNECTION WITH ALLEGED MISCONDUCT.

11           (6) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS  
12 TITLE.

13           (7) “SUPERIOR GOVERNMENTAL AUTHORITY” MEANS THE  
14 GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.

15           (8) “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A  
16 POLICE OFFICER ARE NOT SUPPORTED BY FACT.

17           (B) (1) AN ADMINISTRATIVE CHARGING COMMITTEE CONSISTS OF:

18                   (I) THE DIRECTOR OF INTERNAL AFFAIRS OF THE LAW  
19 ENFORCEMENT AGENCY THAT EMPLOYS THE OFFICER WHO IS SUBJECT TO  
20 INVESTIGATION, OR THE DIRECTOR’S DESIGNEE;

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

25                   (III) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS A  
26 MEMBER OF THE MARYLAND BAR;

27                   (IV) A DESIGNEE OF THE STATE’S ATTORNEY FOR THE  
28 JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS A MEMBER  
29 OF THE MARYLAND BAR; AND

30                   (V) ONE CIVILIAN REPRESENTATIVE SELECTED BY THE POLICE  
31 ACCOUNTABILITY BOARD FOR THE JURISDICTION WHERE THE ALLEGED

1 MISCONDUCT OCCURRED.

2 (2) THE HEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL  
3 AUTHORITY OR THE HEAD ATTORNEY'S DESIGNEE SHALL SERVE AS THE CHAIR OF  
4 AN ADMINISTRATIVE CHARGING COMMITTEE.

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

9 (I) ALLEGATIONS OF MISCONDUCT MADE BY A MEMBER OF THE  
10 PUBLIC; AND

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

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

17 (D) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:

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

21 (2) MAKE A DETERMINATION THAT THE POLICE OFFICER WHO IS  
22 SUBJECT TO INVESTIGATION SHALL BE:

23 (I) ADMINISTRATIVELY CHARGED; OR

24 (II) NOT ADMINISTRATIVELY CHARGED;

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

27 (4) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS  
28 FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND

29 (5) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW  
30 ENFORCEMENT AGENCY.

1           **(E) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (D) OF**  
2 **THIS SECTION, AN ADMINISTRATIVE CHARGING COMMITTEE MAY:**

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

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

8                   **(I) THE ALLEGATIONS AGAINST THE POLICE OFFICER ARE**  
9 **UNFOUNDED; OR**

10                   **(II) THE POLICE OFFICER IS EXONERATED.**

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

14           SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 31,  
15 2021, the Emergency Number Systems Board shall study and report to the House Judiciary  
16 Committee and the Senate Judicial Proceedings Committee, in accordance with § 2–1257  
17 of the State Government Article, regarding whether certain types of calls for 9–1–1 service  
18 should be diverted to a person or entity other than law enforcement agencies.

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

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

25                   (2) a disciplinary matter against a law enforcement officer based on alleged  
26 misconduct occurring before the effective date of this Act.

27           SECTION 7. AND BE IT FURTHER ENACTED, That the publishers of the  
28 Annotated Code of Maryland, in consultation with and subject to the approval of the  
29 Department of Legislative Services, shall correct, with no further action required by the  
30 General Assembly, cross–references and terminology rendered incorrect by this Act.  
31 Cross–references to the term “law enforcement officer” as formerly stated under § 3–101(e)  
32 of the Public Safety Article of the Annotated Code of Maryland shall be redesignated as  
33 cross–references to the term “law enforcement officer” as stated under § 1–101(c) of the  
34 Public Safety Article. The publishers shall adequately describe any such correction in an

1 editor's note following the section affected.

2           SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2021.