

SENATE BILL 74

E4, P4
SB 565/20 – JPR

(PRE-FILED)

1lr1003
CF HB 88

By: ~~Senator Washington~~ **Senators Washington, Smith, Waldstreicher, Bailey,
Carter, Cassilly, Jackson, Lee, Sydnor, West, and Hettleman**

Requested: October 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~Police Officers – Mental Health – Employee Assistance Programs~~
3 **Maryland Police Accountability Act of 2021 – Employee Assistance Programs**
4 **and Early Intervention Programs**

5 FOR the purpose of altering a certain provision of law requiring each law enforcement
6 agency to establish a certain early intervention policy to instead require a system to
7 identify police officers who are at risk of engaging in certain behavior; requiring each
8 law enforcement agency to develop and implement a certain program to protect the
9 mental health of police officers; establishing certain requirements for a certain
10 program; requiring each law enforcement agency to develop a policy to minimize
11 certain costs to police officers; defining certain terms; and generally relating to the
12 mental health of police officers.

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 3–516
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2020 Supplement)

18 BY adding to
19 Article – Public Safety
20 Section 3–523
21 Annotated Code of 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.



(2018 Replacement Volume and 2020 Supplement)

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

Article – Public Safety

3-516.

(a) Each law enforcement agency shall establish a confidential and nonpunitive early intervention [policy for counseling officers who receive three or more citizen complaints within a 12-month period] **SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK OF ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS WITH TRAINING, BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.**

(b) A [policy] **SYSTEM** described in this section may not prevent the investigation of or imposition of discipline for any particular complaint.

3-523.

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

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

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

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

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

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

- 1 (1) COUNSELING SERVICES;
- 2 (2) CRISIS COUNSELING;
- 3 (3) STRESS MANAGEMENT COUNSELING;
- 4 (4) ~~MENTAL HEALTH EVALUATIONS~~ 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 (D) (1) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS
 18 SUBTITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AS PART OF THE
 19 EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, BEFORE A POLICE
 20 OFFICER RETURNS TO FULL DUTY, A LAW ENFORCEMENT AGENCY SHALL PROVIDE:

21 (I) A VOLUNTARY MENTAL HEALTH CONSULTATION AND
 22 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
 23 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING AN ACCIDENT RESULTING IN A
 24 FATALITY; AND

25 (II) A MANDATORY MENTAL HEALTH CONSULTATION AND
 26 VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE
 27 OFFICER IS INVOLVED IN AN INCIDENT INVOLVING:

- 28 1. A SERIOUS INJURY TO THE POLICE OFFICER;
- 29 2. AN OFFICER-INVOLVED SHOOTING; OR

1 **3. ANY USE OF FORCE RESULTING IN A FATALITY OR**
2 **SERIOUS INJURY.**

3 **(2) A MENTAL HEALTH CONSULTATION AND COUNSELING SERVICE**
4 **PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONFIDENTIAL.**

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

8 **(F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO**
9 **PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT ~~MINIMAL~~ NO**
10 **COST TO A POLICE OFFICER.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.