

SENATE BILL 364

D3, E4

11r0550

By: **Senator McCray**

Introduced and read first time: January 15, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Civil Claims Against Law Enforcement Officers of an**
3 **Institution of Higher Education – Prohibition Against ~~Nondisclosure Provision~~**
4 **Nondisparagement Clause in Settlement Agreement**

5 FOR the purpose of prohibiting the use or enforcement of a ~~confidentiality or other~~
6 ~~nondisclosure provision~~ nondisparagement clause in a settlement agreement or
7 other release of liability between the parties in a claim of misconduct in the
8 performance of duties against a law enforcement officer of an institution of higher
9 education in Baltimore City; providing for the application of this Act; defining certain
10 terms; and generally relating to private law enforcement officers of institutions of
11 higher education.

12 BY adding to
13 Article – Courts and Judicial Proceedings
14 Section 5–644
15 Annotated Code of Maryland
16 (2020 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article – Education
19 Section 10–101(a) and (h)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, without amendments,

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 Article – Public Safety
 2 Section 3–101(a) and (e)(1)(i) and (ii)18., 19., 22., and 27. and (2)(i), (iv), and (xi)
 3 Annotated Code of Maryland
 4 (2018 Replacement Volume and 2020 Supplement)

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

7 **Article – Courts and Judicial Proceedings**

8 **5–644.**

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

11 (2) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING
 12 STATED IN § 10–101 OF THE EDUCATION ARTICLE.

13 (3) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §
 14 3–101 OF THE PUBLIC SAFETY ARTICLE.

15 (B) THIS SECTION APPLIES ONLY TO A CLAIM OR SUIT ARISING IN
 16 BALTIMORE CITY.

17 (C) FOR A CLAIM OR SUIT ASSERTING MISCONDUCT IN THE PERFORMANCE
 18 OF DUTIES BY A LAW ENFORCEMENT OFFICER OF A LAW ENFORCEMENT AGENCY OF
 19 AN INSTITUTION OF HIGHER EDUCATION, A SETTLEMENT AGREEMENT OR ANY
 20 GENERAL RELEASE OF LIABILITY BETWEEN THE PARTIES MAY NOT CONTAIN, AND A
 21 COURT MAY NOT ENFORCE, A ~~CONFIDENTIALITY OR OTHER NONDISCLOSURE~~
 22 ~~PROVISION~~ NONDISPARAGEMENT CLAUSE.

23 **Article – Education**

24 10–101.

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

26 (h) (1) “Institution of higher education” means an institution of postsecondary
 27 education that generally limits enrollment to graduates of secondary schools, and awards
 28 degrees at either the associate, baccalaureate, or graduate level.

29 (2) “Institution of higher education” includes public, private nonprofit, and
 30 for–profit institutions of higher education.

31 **Article – Public Safety**

1 3-101.

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

3 (e) (1) “Law enforcement officer” means an individual who:

4 (i) in an official capacity is authorized by law to make arrests; and

5 (ii) is a member of one of the following law enforcement agencies:

6 18. the police forces of the University System of Maryland;

7 19. the police force of Morgan State University;

8 22. the police force of the Baltimore City Community College;

9 27. the police department of the Johns Hopkins University
10 established in accordance with Title 24, Subtitle 12 of the Education Article.

11 (2) “Law enforcement officer” does not include:

12 (i) an individual who serves at the pleasure of the Police
13 Commissioner of Baltimore City;

14 (iv) an officer who is in probationary status on initial entry into the
15 law enforcement agency except if an allegation of brutality in the execution of the officer’s
16 duties is made;

17 (xi) the Chief of Police of the police department of the Johns Hopkins
18 University established in accordance with Title 24, Subtitle 12 of the Education Article.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply only prospectively and may not be applied or interpreted to have any effect on or
21 application to any agreement or release of liability executed before the effective date of this
22 Act.

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