

Department of Legislative Services  
Maryland General Assembly  
2021 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 194  
Judiciary

(Delegate Wells)

---

**Criminal Procedure - Police Officers and Public Defenders - Implicit Bias -  
Testing, Training, and Evaluation**

---

This bill requires every deputy public defender, district public defender, and assistant public defender to (1) undergo a test for implicit bias before beginning service; (2) receive training to address implicit bias; and (3) undergo an evaluation to measure the results of the required training. The Public Defender must ensure that anonymized data on all required tests and evaluations are publicly available on the website of the Office of the Public Defender (OPD) or by request. In addition, the Maryland Police Training and Standards Commission (MPTSC) must require, for entrance-level police training conducted by the State and each county and municipal police training school, that the curriculum include (1) a test for implicit bias; (2) training to address implicit bias; and (3) an evaluation to measure the results of the training. MPTSC must also develop a policy requiring each law enforcement agency to make anonymized data on all required tests and evaluations publicly available on MPTSC's website or by request.

---

**Fiscal Summary**

**State Effect:** MTPSC can implement the bill with existing budgeted resources. The bill is not anticipated to materially affect the expenditures of OPD, the Department of State Police (DSP), or other State law enforcement agencies, as discussed below. Revenues are not affected.

**Local Effect:** The bill is not anticipated to materially affect the expenditures of local law enforcement agencies, as discussed below. Revenues are not affected.

**Small Business Effect:** None.

---

## Analysis

### Current Law:

#### *Office of the Public Defender*

In general, OPD provides State-funded legal representation to indigent individuals in criminal and juvenile proceedings. The Public Defender may, among other things, adopt regulations to carry out the duties and powers of the office and promote the efficient conduct of the work and general administration of the office, its professional staff, and other employees.

#### *Maryland Police Training and Standards Commission*

MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological consultation. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC must evaluate and modernize recruitment standards and practices of law enforcement agencies to increase diversity within those law enforcement agencies and develop strategies for recruiting women and African American, Hispanic or Latino, and other minority candidates. In addition, MPTSC requirements include, among other things, that the curriculum and minimum courses of study include training regarding sensitivity to cultural and gender diversity at entrance-level police training and for in-service level police training conducted by the State and each county and municipal police training school.

**State/Local Fiscal Effect:** While some State and local law enforcement agencies indicate that the bill does not materially affect their expenditures, OPD, DSP, and some local law enforcement agencies advise that the development and implementation of a training and testing program regarding implicit bias necessitates additional resources. However, the Department of Legislative Services notes that because the bill does not mandate *specific* testing, training, or evaluation requirements (*e.g.*, a minimum number of hours or a specific curriculum), OPD and, subject to any requirements established by MPTSC, State and local law enforcement agencies have considerable discretion in meeting the bill's requirements. It is therefore assumed that OPD, DSP, and other State and local law enforcement agencies

can implement a modest program that satisfies the bill's requirements without materially affecting State or local finances or operations.

---

### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Garrett, and Montgomery counties; City of Laurel; Office of the Public Defender; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2021  
rh/lgc

---

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510