

HOUSE BILL 670

E4

(11r1071)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

AN ACT concerning

~~Police Reform and Accountability Act of 2021~~ Maryland Police Accountability Act of 2021 – Police Discipline and Law Enforcement Programs and Procedures

FOR the purpose of repealing the Law Enforcement Officers’ Bill of Rights; ~~providing that the Police Department of Baltimore City is an agency and instrumentality of the City of Baltimore, instead of the State; providing that certain police officers have the authority conferred under a certain provision of law; requiring that an application for a certain search warrant be approved in writing by a police supervisor and the State’s Attorney; altering a certain ground for issuance of a certain search warrant; repealing a certain ground for issuance of a certain search warrant; authorizing a judge to issue a certain “no-knock” search warrant only under certain circumstances; requiring that an application for a certain search warrant contain certain items; altering the number of days within which a certain search and seizure shall be made; providing that a warrant to search a residence shall be executed between certain~~

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.

Italics indicate opposite chamber/conference committee amendments.



~~times, absent certain circumstances; imposing certain restrictions on a police officer when executing a search warrant; requiring a police officer to take a certain action and provide certain information to certain individuals at the commencement of a certain stop, with a certain exception; providing that a police officer's failure to comply with a certain requirement may be grounds for a certain disciplinary action against the officer and may not serve as the basis for the exclusion of certain evidence under a certain rule; prohibiting a police officer from prohibiting or preventing a citizen from recording the police officer's actions if the citizen is otherwise acting lawfully and safely; providing that an individual attending a certain institution of higher education is exempt from paying tuition under certain circumstances; requiring an individual who has received a certain exemption from tuition payment to pay a certain value to a certain institution under certain circumstances; establishing the Maryland Loan Assistance Repayment Program for Police Officers; requiring the Office of Student Financial Assistance in the Maryland Higher Education Commission to assist in the repayment of certain loans owed by certain eligible individuals; requiring the Office to adopt certain regulations; specifying that funds for the Program shall be provided in the State budget; requiring the Office to submit a certain report to the General Assembly on or before a certain date; establishing the Maryland Police Officers Scholarship Program; providing for the purpose of the Maryland Police Officers Scholarship; requiring the Office to publicize the availability of the Maryland Police Officers Scholarship; establishing the eligibility of the Maryland Police Officers Scholarship; requiring a certain recipient to repay the Commission under certain circumstances; establishing the amount of the annual scholarship award; requiring the Governor to include a certain appropriation in the State budget for the Maryland Police Officers Scholarship; requiring the Commission to use a certain appropriation for a certain purpose; requiring the Office to publicize the availability of the Maryland Police Officers Scholarship; requiring the Commission to submit a certain report on or before a certain date; altering the limits on liability of a local government and the State and its units for claims arising from tortious acts or omissions or violations of constitutional rights committed by a law enforcement officer; requiring the State Public Information Act Compliance Board to receive, review, and resolve certain complaints filed from a certain custodian, issue a certain decision, and issue a certain order under certain circumstances; requiring a certain custodian to allow inspection of certain records by the United States Attorney, the Attorney General, the State Prosecutor, and a State's Attorney; providing that a certain record is not a personnel record for a certain purpose, with a certain exception; authorizing a certain custodian to deny inspection of certain records; requiring a certain custodian to deny inspection of a certain record under certain circumstances; requiring a custodian to notify a certain person in interest when a certain record is inspected; prohibiting a certain custodian from disclosing the identity of a certain requestor to a certain person in interest; altering the membership of the Maryland Police Training and Standards Commission; requiring the Commission to develop and administer certain tests and training programs on certain matters for citizens individuals who intend to qualify to participate as a member of a certain administrative charging committee and citizens who are appointed to serve as members of the Commission; requiring the Commission to take certain actions in response to certain violations of a certain Use~~

of Force Statute; ~~requiring the Commission to develop a test and training for implicit bias, require certain law enforcement agencies to use the implicit bias test at a certain time, and require certain police officers to complete implicit bias testing and training at certain times;~~ requiring the Commission to revoke the certification of a police officer under certain circumstances; requiring the Commission to create a certain database; altering a certain requirement for police officer certification that an individual submit to a psychological evaluation to require that an individual submit to a mental health screening by a certain professional; adding as a requirement for police officer certification that an individual submit to a certain physical agility assessment; requiring a police officer, as a condition of certification, to submit to a mental health assessment and a physical agility assessment at a certain time for a certain purpose; establishing that prior marijuana use is not a disqualifier for certification as a police officer and may not be the basis for disqualifying an applicant for a position as police officer; establishing certain requirements for an individual who applies for a position as a police officer; requiring, at certain intervals beginning on a certain date, a law enforcement agency that maintains a SWAT team to report certain information to the Governor's Office of Crime Prevention, Youth, and Victim Services using a certain format; requiring the Commission, in consultation with the Office, to develop a standardized format that certain law enforcement agencies shall use in reporting certain data relating to the activation and deployment of certain SWAT teams to the Office and to certain local officials; requiring a law enforcement agency to compile certain information as a report in a certain format and to submit the report to the Office no later than a certain date following the period that is the subject of the report; requiring the Office to analyze and summarize certain reports of law enforcement agencies and to submit a report of the analyses and summaries to the Governor, the General Assembly, and each law enforcement agency before a certain date each year; providing that, if a law enforcement agency fails to comply with certain reporting requirements, the Office shall report the noncompliance to the Commission; providing that the Commission shall contact a certain law enforcement agency and request that the agency comply with certain reporting requirements under certain circumstances; providing that, if a certain law enforcement agency fails to comply with certain reporting requirements within a certain period after being contacted by the Commission, the Office and the Commission jointly shall make a certain report to the Governor and the Legislative Policy Committee of the General Assembly and publish the report on its website; ~~requiring each law enforcement agency to require the use of body worn cameras on or before a certain date; requiring that a certain body worn camera automatically record and save certain video footage;~~ requiring law enforcement agencies to submit certain reports to the Commission; requiring the Commission to post certain information on its website; prohibiting the Governor's Office of Crime Prevention, Youth, and Victim Services from making certain funds available under certain circumstances; requiring each law enforcement agency to post in a certain location an explanation of certain procedures; ~~altering a certain provision of law requiring each law enforcement agency to establish a certain early intervention policy to require a system instead of a policy, repeal the requirement that the system be confidential and nonpunitive, and alter the purpose and function of the system;~~ ~~requiring the Commission to develop guidelines for a certain early intervention~~

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~~system; establishing the Independent Investigative Agency as an independent unit of State government for a certain purpose; authorizing the Independent Investigative Agency to employ certain police officers and civilians for a certain purpose; requiring that a certain shooting or other incident be investigated by a certain investigative agency; requiring a law enforcement agency to notify a certain investigative agency of a certain shooting or other incident at a certain time and cooperate with the investigative agency in a certain investigation; requiring a certain investigative agency to submit a certain report to a certain State's Attorney and publicize the report at a certain time; requiring the Governor to annually include certain funding in the State budget; requiring each police officer to sign a certain pledge; providing that a police officer may only use certain force establishing certain use of force standards; requiring a police officer to take certain steps to gain compliance and de-escalate conflict under certain circumstances; requiring a police officer to intervene to prevent or terminate the use of certain force by a certain police officer; requiring a police officer to render certain first aid to a certain subject and request certain assistance at a certain time; requiring a police supervisor to respond to the scene of a certain incident and gather and review certain recordings; requiring a police officer to document certain incidents in a certain manner; requiring a law enforcement agency to adopt a certain policy; requiring a police officer to undergo certain training; requiring a police officer to sign a certain training completion document; providing that a police officer may only use deadly force for a certain purpose; requiring all police officers to undergo less lethal force training and be trained and equipped with certain less lethal weapons; prohibiting a police officer from shooting at a certain vehicle except under certain circumstances; prohibiting a police officer from using a chokehold, neck restraint, or a certain other type of restraint; prohibiting a law enforcement agency from acquiring a certain armored or weaponized vehicle receiving certain equipment from a surplus program; requiring a law enforcement agency to have a written de-escalation of force policy; prohibiting a police officer from knowingly and willfully violating certain provisions of this Act; prohibiting a police officer from recklessly violating certain provisions of this Act; authorizing a person to file a certain civil action for a certain use of force; requiring each law enforcement agency to develop and implement a certain program to protect the mental health of police officers; establishing certain requirements for a certain program; requiring each law enforcement agency to develop a policy to minimize certain costs to police officers; establishing certain penalties for a violation of certain provisions of this Act; requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to withhold grant funding from a certain law enforcement agency; establishing that a certain provision of law shall be known as the Maryland Use of Force Statute; requiring the Maryland Police Training and Standards Commission to submit a certain annual report to the Governor and General Assembly; requiring each law enforcement agency to establish and implement a certain police discipline process with certain requirements; requiring each law enforcement agency to post the police discipline process on the agency's public website; requiring certain members of trial boards and administrative charging committees to receive certain training; prohibiting a law enforcement agency from negating or altering certain requirements of a and policies established in accordance with certain provision provisions of law through collective bargaining; providing for~~

~~the establishment, composition, and duties of an administrative charging committee; requiring that on completion of a certain investigation, a law enforcement agency forward the investigatory files for certain matters to an administrative charging committee; requiring that a certain allegation proceed in accordance with the policies and procedures of a certain law enforcement agency; providing that the meetings of an administrative charging committee are not subject to the requirements of the Open Meetings Act; requiring each county to have a police accountability board to take certain actions; providing for the membership, staffing, budget, and procedures of a police accountability board; establishing requirements for a certain complaint filed with a police accountability board~~ requiring a police accountability board to make a certain report and recommendations annually; authorizing an individual to file a certain complaint with a certain law enforcement agency; establishing requirements for a certain complaint; requiring each county to have a certain administrative charging committee; providing for the membership of certain administrative charging committees; requiring that there be at least one statewide administrative charging committee applicable to certain law enforcement agencies; requiring an individual to receive certain training prior to serving as a member of an administrative charging committee; requiring a certain law enforcement agency to forward certain investigatory files to a certain administrative charging committee at a certain time; requiring and authorizing an administrative charging committee to take certain actions at certain times; requiring an administrative charging committee to meet at certain times; requiring a member of an administrative charging committee to maintain confidentiality relating to a certain matter at a certain time; requiring the Maryland Police Training and Standards Commission to develop and adopt, by regulation, a certain disciplinary matrix for a certain purpose; requiring each law enforcement agency to adopt a certain disciplinary matrix; requiring a certain chief to offer certain discipline to a certain police officer at a certain time; ~~requiring~~ authorizing certain discipline to be imposed under certain circumstances; requiring a certain matter to be referred to a trial board under certain circumstances; requiring a police officer to be provided certain items and notified of certain information before a trial board proceeding begins; requiring each law enforcement agency to establish a certain trial board process; authorizing a small law enforcement agency to use the trial board process of another law enforcement agency under certain circumstances; providing for the membership of a trial board; requiring an individual to receive certain training prior to serving as a member of a trial board; requiring that proceedings of a trial board be open to the public, with certain exceptions; authorizing a trial board to administer oaths and issue subpoenas under certain circumstances; providing that a complainant has the right to be notified of and attend a certain hearing, with certain exceptions; providing that a law enforcement agency has the burden of proof by a preponderance of the evidence in certain proceedings; providing that a police officer may be disciplined only for cause; providing for the appeal of a trial board decision; providing that a trial board decision that is not appealed is final; authorizing ~~and requiring~~ a certain chief to impose a certain emergency suspension under certain circumstances; requiring and authorizing a certain chief to terminate the employment of a certain police officer; providing that a certain police officer is entitled to receive back pay under certain circumstances; providing that a police officer may be required to submit to certain

~~tests, examinations, or interrogations under certain circumstances; authorizing a certain law enforcement agency to commence an action that may lead to a certain punitive measure under certain circumstances; providing that the results of a certain test, examination, or interrogation are not admissible or discoverable in a certain proceeding under certain circumstances; providing that forfeiture of a law enforcement officer's pension may be imposed as a disciplinary action under certain circumstances; requiring a law enforcement agency to designate a certain victims' rights advocate for a certain purpose; providing for the duties of a victims' rights advocate; requiring each law enforcement agency to create a certain database; requiring a certain investigating unit to review a certain complaint at a certain time; requiring an administrative charging committee to take certain actions within a certain time period; requiring a certain process of review to be completed within a certain time period; requiring the Maryland Police Training and Standards Commission to adopt certain regulations; providing that a certain police officer and a complainant have the right to representation~~ *may have the assistance of a representative in connection with certain proceedings; prohibiting the taking of certain adverse employment actions against a police officer because the police officer took certain actions; prohibiting the denial of a police officer's right to bring suit arising out of certain duties; providing that a police officer has certain rights to engage in political activity; prohibiting a law enforcement agency from prohibiting secondary employment by police officers; prohibiting certain records from being expunged or destroyed; authorizing a law enforcement agency to adopt certain regulations; authorizing a court to order the forfeiture of pension benefits, in whole or in part, for a law enforcement officer who is convicted of a qualifying crime; requiring the Attorney General or the State's Attorney to file a certain complaint in circuit court; establishing certain findings that shall be made when entering an order requiring the forfeiture of benefits; requiring the forfeiture order to indicate the amount of benefits forfeited; requiring a court to consider certain factors when determining the amount of benefits subject to forfeiture; authorizing a court to order a law enforcement officer subject to a forfeiture order to request a return of accumulated contributions to be used for restitution relating to a qualifying crime; providing that certain forfeiture provisions do not apply to certain contributions made, service earned, or crimes committed before a certain date;* requiring the Emergency Number Systems Board to conduct a certain study and submit a certain report; ~~providing for the application of a certain provision of this Act;~~ requiring a certain publisher, in consultation with and subject to the approval of the Department of Legislative Services, to correct certain cross-references and terminology and describe a certain correction in a certain manner; ~~providing for the intent of the General Assembly that the Maryland Higher Education Commission adopt certain regulations; providing for a delayed effective date for certain provisions of this Act;~~ ~~providing~~ *for the application of certain provisions of this Act; making certain provisions of this Act contingent on the taking effect of another Act;* making conforming changes; defining certain terms; and generally relating to police reform.

BY renumbering

Article – Public Safety

Section 1–101(c) and (d) and 3–101(e), respectively

to be Section 1–101(d) and (e) and (c), respectively
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing

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

~~BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–2(a) and 16–3
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)~~

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

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

BY adding to
Article – Criminal Procedure
Section 2–109
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

BY adding to
Article – Education
Section ~~15–106.11~~ 18–3701 through 18–3705 to be under the new subtitle “Subtitle
37. Maryland Loan Assistance Repayment Program for Police Officers”; and
18–3801 through 18–3807 to be under the new subtitle “Subtitle 38. Maryland
Police Officers Scholarship Program”

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

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

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

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

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

~~BY repealing and reenacting, without amendments,
Article – General Provisions
Section 4-101(a) and (e)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)~~

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

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

BY adding to
Article – Public Safety

Section 3-101 through ~~3-113~~ 3-114 to be under the new subtitle “Subtitle 1. Police Accountability and Discipline”; 3-207(j) and (k), ~~3-508, 3-523, and 3-524 and 3-508~~

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3-203, 3-207(a)(16) and (g), 3-209, 3-212, 3-215, ~~3-511, 3-514, 3-515, and 3-516~~ 3-514, and 3-515

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

~~BY adding to~~

~~Article – State Personnel and Pensions~~

~~Section 20-210~~

~~Annotated Code of Maryland~~

~~(2015 Replacement Volume and 2020 Supplement)~~

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

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

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

~~**Article 4 – Baltimore City**~~

~~16-2.~~

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

~~and to discharge its duties and responsibilities with the dignity and manner which will inspire public confidence and respect.~~

~~16-3.~~

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

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

~~Article Criminal Procedure~~

~~1-203.~~

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

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

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

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

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

~~1. in writing;~~

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

~~3. accompanied by an affidavit that:~~

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

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

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

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

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

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

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

~~1. in person;~~

~~2. via telephone; or~~

~~3. via video.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY~~

~~INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE PREMISES, IF KNOWN.~~

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

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

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

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

~~2. the grounds for the search; and~~

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

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

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

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

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

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

~~(ii) The executing law enforcement officer shall:~~

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

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

~~(7)(8) (I) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES" RETAINS ITS JUDICIALLY DETERMINED MEANING.~~

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

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

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

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

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

Article – Criminal Procedure

2-109.

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

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

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

(I) THE OFFICER'S NAME;

(II) THE OFFICER'S ~~BADGE NUMBER~~ IDENTIFICATION NUMBER ISSUED BY THE LAW ENFORCEMENT AGENCY THE OFFICER IS REPRESENTING;

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

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

(B) A POLICE OFFICER'S FAILURE TO COMPLY WITH SUBSECTION (A) OF THIS SECTION:

(1) MAY BE GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION AGAINST THE OFFICER; AND

(2) MAY NOT SERVE AS THE BASIS FOR THE EXCLUSION OF EVIDENCE UNDER THE EXCLUSIONARY RULE.

(C) A POLICE OFFICER MAY NOT PROHIBIT OR PREVENT A CITIZEN FROM RECORDING THE POLICE OFFICER'S ACTIONS IF THE CITIZEN IS OTHERWISE ACTING LAWFULLY AND SAFELY.

Article - Education

~~15-106.11.~~

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

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

~~(3) "TUITION" MEANS THE CHARGES IMPOSED BY AN INSTITUTION OF HIGHER EDUCATION FOR ALL CREDIT-BEARING COURSES REQUIRED AS A CONDITION OF ENROLLMENT AT THE INSTITUTION.~~

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

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

(E) "PROGRAM" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FOR POLICE OFFICERS.

18-3702.

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

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

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

(2) OBTAINS ELIGIBLE EMPLOYMENT; AND

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

18-3703.

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

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

18-3704.

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

18-3705.

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

SUBTITLE 38. MARYLAND POLICE OFFICERS SCHOLARSHIP PROGRAM.

18-3801.

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

(B) "ELIGIBLE INSTITUTION" MEANS A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN THE STATE.

(C) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.

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

18-3802.

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

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

(1) ATTENDING A ~~4-YEAR~~ DEGREE PROGRAM ~~IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE STUDENT'S CAREER IN LAW ENFORCEMENT AT AN ELIGIBLE INSTITUTION WITH THE INTENT TO BE A POLICE OFFICER AFTER GRADUATION; OR

(2) WHO ARE CURRENTLY POLICE OFFICERS ATTENDING A ~~4-YEAR~~ DEGREE PROGRAM ~~IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE POLICE OFFICER'S CAREER IN LAW ENFORCEMENT AT AN ELIGIBLE INSTITUTION.

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

18-3803.

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

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

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

(2) BE ACCEPTED FOR ADMISSION OR CURRENTLY ENROLLED AT AN ELIGIBLE INSTITUTION AS A FULL-TIME OR PART-TIME UNDERGRADUATE OR GRADUATE STUDENT PURSUING A COURSE OF STUDY OR PROGRAM ~~IN CRIMINAL LAW, CRIMINOLOGY, OR CRIMINAL JUSTICE~~ THAT WOULD FURTHER THE RECIPIENT'S CAREER IN LAW ENFORCEMENT;

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

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

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

18-3804.

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

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

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

18-3805.

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

18-3806.

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

(1) \$6,000,000 FOR SCHOLARSHIPS TO STUDENTS INTENDING TO BECOME POLICE OFFICERS AFTER GRADUATION; AND

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

18-3807.

THE OFFICE SHALL:

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

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

Article — Public Safety

~~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) COUNSELING SERVICES;

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

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

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

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

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

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

Article – Courts and Judicial Proceedings

5-303.

(a) (1) [Subject to paragraph (2)] EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) of this subsection, the liability of a local government may not exceed \$400,000 per an individual claim, and \$800,000 per total claims that arise from the same occurrence for damages resulting from tortious acts or omissions, or liability arising under subsection (b) of this section and indemnification under subsection (c) of this section.

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

(3) IF THE LIABILITY OF A LOCAL GOVERNMENT ARISES FROM INTENTIONAL TORTIOUS ACTS OR OMISSIONS OR A VIOLATION OF A CONSTITUTIONAL RIGHT COMMITTED BY A LAW ENFORCEMENT OFFICER, THE FOLLOWING LIMITS ON LIABILITY APPLY:

(I) ~~1.~~ SUBJECT TO ~~ITEM 2 OF THIS ITEM AND~~ ITEM (II) OF THIS PARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND NONECONOMIC DAMAGES MAY NOT EXCEED A TOTAL OF \$890,000 FOR ALL CLAIMS ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD; AND

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

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

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

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

Article – State Government

12-104.

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

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

(II) IF LIABILITY OF THE STATE OR ITS UNITS ARISES FROM INTENTIONAL TORTIOUS ACTS OR OMISSIONS OR A VIOLATION OF A CONSTITUTIONAL RIGHT COMMITTED BY A LAW ENFORCEMENT OFFICER, THE FOLLOWING LIMITS ON LIABILITY SHALL APPLY:

1. ~~A.~~ SUBJECT TO ~~ITEM B OF THIS ITEM AND ITEM 2~~ OF THIS SUBPARAGRAPH, THE COMBINED AWARD FOR BOTH ECONOMIC AND NONECONOMIC DAMAGES ~~SHALL~~ MAY NOT EXCEED A TOTAL OF \$890,000 FOR ALL CLAIMS ARISING OUT OF THE SAME INCIDENT OR OCCURRENCE, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD; AND

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

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

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

~~B.~~ 2. IN A WRONGFUL DEATH ACTION IN WHICH THERE ARE TWO OR MORE CLAIMANTS OR BENEFICIARIES, AN AWARD FOR NONECONOMIC DAMAGES MAY NOT EXCEED 150% OF THE LIMITATION ESTABLISHED UNDER ~~ITEM 1~~ OF THIS ITEM, REGARDLESS OF THE NUMBER OF CLAIMANTS OR BENEFICIARIES WHO SHARE IN THE AWARD.

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

Article—General Provisions

4-101.

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

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

~~(I) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THE PUBLIC SAFETY ARTICLE.~~

~~(i) (J) "Political subdivision" means:~~

- ~~(1) a county;~~
- ~~(2) a municipal corporation;~~
- ~~(3) an unincorporated town;~~
- ~~(4) a school district; or~~
- ~~(5) a special district.~~

~~(i) (K) (1) "Public record" means the original or any copy of any documentary material that:~~

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

~~(ii) is in any form, including:~~

- ~~1. a card;~~
- ~~2. a computerized record;~~
- ~~3. correspondence;~~
- ~~4. a drawing;~~
- ~~5. film or microfilm;~~
- ~~6. a form;~~
- ~~7. a map;~~
- ~~8. a photograph or photostat;~~
- ~~9. a recording; or~~
- ~~10. a tape.~~

~~(2) "Public record" includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.~~

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

~~(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES THAT:~~

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

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

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

~~4-1A-04.~~

~~(a) The Board shall:~~

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

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

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

~~(B) THE BOARD SHALL:~~

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

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

~~(3) IF THE BOARD FINDS THAT THE APPLICANT'S REQUEST OR PATTERN OF REQUESTS IS FRIVOLOUS, VEXATIOUS, OR IN BAD FAITH, BASED ON THE TOTALITY OF THE CIRCUMSTANCES INCLUDING THE NUMBER AND SCOPE OF THE~~

~~APPLICANT'S PAST REQUESTS AND THE CUSTODIAN'S RESPONSES TO PAST REQUESTS AND EFFORTS TO COOPERATE WITH THE APPLICANT, ISSUE AN ORDER AUTHORIZING THE CUSTODIAN TO:~~

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

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

~~(b)(C) The Board shall:~~

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

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

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

~~(2) The report shall:~~

~~(i) describe the activities of the Board;~~

~~(ii) describe the opinions of the Board;~~

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

~~(iv) recommend any improvements to this title.~~

~~4-311.~~

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

~~(b) A custodian shall allow inspection by:~~

~~(1) the person in interest;~~

~~(2) an elected or appointed official who supervises the work of the individual; or~~

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

- ~~(i) home address;~~
- ~~(ii) home telephone number; and~~
- ~~(iii) personal cell phone number;~~
- ~~(4) THE UNITED STATES ATTORNEY;~~
- ~~(5) THE ATTORNEY GENERAL;~~
- ~~(6) THE STATE PROSECUTOR; OR~~
- ~~(7) A STATE'S ATTORNEY.~~

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

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

~~4-351.~~

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

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

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

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

~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION, RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT~~

~~BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,
A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.~~

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

- ~~(1) interfere with a valid and proper law enforcement proceeding;~~
- ~~(2) deprive another person of a right to a fair trial or an impartial adjudication;~~
- ~~(3) constitute an unwarranted invasion of personal privacy;~~
- ~~(4) disclose the identity of a confidential source;~~
- ~~(5) disclose an investigative technique or procedure;~~
- ~~(6) prejudice an investigation; or~~
- ~~(7) endanger the life or physical safety of an individual.~~

~~(c) A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION BY:~~

- ~~(1) THE UNITED STATES ATTORNEY;~~
- ~~(2) THE ATTORNEY GENERAL;~~
- ~~(3) THE STATE PROSECUTOR; OR~~
- ~~(4) A STATE'S ATTORNEY.~~

~~(d) EXCEPT AS PROVIDED IN SUBSECTION (c) OF THIS SECTION, A CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION:~~

- ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~
- ~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~
 - ~~(I) MEDICAL INFORMATION;~~
 - ~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN INTEREST;~~

~~(H) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN INTEREST; OR~~

~~(IV) WITNESS INFORMATION.~~

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

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

Article – Public Safety

SUBTITLE 1. POLICE ACCOUNTABILITY AND DISCIPLINE.

3-101.

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

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

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

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

~~(E) “INDEPENDENT INVESTIGATIVE AGENCY” MEANS THE AGENCY ESTABLISHED UNDER § 3-102 OF THIS SUBTITLE.~~

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

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

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

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

(2) A VIOLATION OF A CRIMINAL STATUTE; AND

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

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

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

~~(J)~~ (J) “SUPERIOR GOVERNMENTAL AUTHORITY” MEANS THE GOVERNING BODY THAT OVERSEES A LAW ENFORCEMENT AGENCY.

~~(K)~~ (K) “UNFOUNDED” MEANS THAT THE ALLEGATIONS AGAINST A POLICE OFFICER ARE NOT SUPPORTED BY FACT.

3-102.

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

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

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

~~(D) A LAW ENFORCEMENT AGENCY SHALL:~~

~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY ALLEGED OR POTENTIAL SHOOTING INVOLVING A POLICE OFFICER OR ANOTHER INCIDENT INVOLVING THE USE OF PHYSICAL FORCE BY A POLICE OFFICER CAUSING DEATH OR SERIOUS PHYSICAL 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.~~

~~(E) (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.~~

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

~~3-103.~~

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

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

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

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

(4) (I) ON A QUARTERLY BASIS, REVIEW OUTCOMES OF DISCIPLINARY MATTERS CONSIDERED BY CHARGING COMMITTEES; AND

(II) ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A REPORT TO THE GOVERNING BODY OF THE COUNTY THAT:

1. IDENTIFIES ANY TRENDS IN THE DISCIPLINARY PROCESS OF POLICE OFFICERS IN THE COUNTY; AND

2. MAKES RECOMMENDATIONS ON CHANGES TO POLICY THAT WOULD IMPROVE POLICE ACCOUNTABILITY IN THE COUNTY.

(B) (1) (i) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ~~THE MEMBERSHIP OF A POLICE ACCOUNTABILITY BOARD SHALL BE DETERMINED BY THE LOCAL LEGISLATIVE BODY~~ GOVERNING BODY SHALL:

1. ESTABLISH THE MEMBERSHIP OF A POLICE ACCOUNTABILITY BOARD;

2. ESTABLISH THE BUDGET AND STAFF FOR A POLICE ACCOUNTABILITY BOARD;

3. APPOINT A CHAIR OF THE POLICE ACCOUNTABILITY BOARD WHO HAS RELEVANT EXPERIENCE TO THE POSITION; AND

4. ESTABLISH THE PROCEDURES FOR RECORD KEEPING BY A POLICE ACCOUNTABILITY BOARD.

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

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

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

(i) THE NAME OF THE POLICE OFFICER ACCUSED OF MISCONDUCT;

(ii) A DESCRIPTION OF THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

(iii) CONTACT INFORMATION OF THE COMPLAINANT OR A PERSON FILING ON BEHALF OF THE COMPLAINANT FOR INVESTIGATIVE FOLLOW-UP.

(2) A COMPLAINT NEED NOT:

~~(i) INCLUDE IDENTIFYING INFORMATION OF THE COMPLAINANT IF THE COMPLAINANT WISHES TO REMAIN ANONYMOUS; OR~~

~~(ii) BE NOTARIZED OR SWORN TO UNDER THE PENALTY OF PERJURY.~~

(D) A COMPLAINT OF POLICE MISCONDUCT FILED WITH A POLICE ACCOUNTABILITY BOARD SHALL BE FORWARDED TO THE APPROPRIATE LAW ENFORCEMENT AGENCY WITHIN 3 DAYS AFTER RECEIPT BY THE BOARD.

~~3-104.~~ 3-103.

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

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

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

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

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

(2) A COMPLAINT NEED NOT:

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

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

~~3-105.~~ 3-104.

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

(2) A COUNTY ADMINISTRATIVE CHARGING COMMITTEE SHALL BE COMPOSED OF:

(I) THE CHAIR OF THE COUNTY'S POLICE ACCOUNTABILITY BOARD, OR ANOTHER MEMBER OF THE ACCOUNTABILITY BOARD DESIGNATED BY THE CHAIR OF THE ACCOUNTABILITY BOARD;

~~(H) A DESIGNEE OF THE DISTRICT PUBLIC DEFENDER WHO IS:~~

~~1. A RESIDENT OF THE COUNTY;~~

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

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

~~(HH) A DESIGNEE OF THE STATE'S ATTORNEY FOR THE JURISDICTION WHERE THE ALLEGED MISCONDUCT OCCURRED WHO IS:~~

~~1. A RESIDENT OF THE COUNTY;~~

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

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

~~(IV) (II) ONE CIVILIAN TWO CIVILIAN MEMBERS SELECTED BY THE COUNTY'S POLICE ACCOUNTABILITY BOARD; AND~~

~~(V) (III) THE LEAD ATTORNEY FOR THE SUPERIOR GOVERNMENTAL AUTHORITY OF THE COUNTY TWO CIVILIAN MEMBERS SELECTED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY.~~

(B) (1) THERE SHALL BE AT LEAST ONE STATEWIDE ADMINISTRATIVE CHARGING COMMITTEE TO SERVE STATEWIDE AND BI-COUNTY LAW ENFORCEMENT AGENCIES.

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

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

~~(H) A DESIGNEE OF THE PUBLIC DEFENDER OF MARYLAND WHO IS NOT EMPLOYED BY THE OFFICE OF THE PUBLIC DEFENDER;~~

(I) THREE CIVILIAN MEMBERS APPOINTED BY THE GOVERNOR;

(II) ONE CIVILIAN MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(III) ONE CIVILIAN MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE.

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

~~(IV) ONE CIVILIAN APPOINTED BY THE GOVERNOR; AND~~

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

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

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

(E) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:

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

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

(I) ADMINISTRATIVELY CHARGED; OR

(II) NOT ADMINISTRATIVELY CHARGED;

(3) IF THE POLICE OFFICER IS CHARGED, RECOMMEND DISCIPLINE IN ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S DISCIPLINARY MATRIX ESTABLISHED IN ACCORDANCE WITH ~~§ 3-106~~ 3-105 OF THIS SUBTITLE;

(4) REVIEW ANY BODY CAMERA FOOTAGE THAT MAY BE RELEVANT TO THE MATTERS COVERED IN THE COMPLAINT OF MISCONDUCT;

(5) AUTHORIZE A POLICE OFFICER CALLED TO APPEAR BEFORE AN ADMINISTRATIVE CHARGING COMMITTEE TO BE ACCOMPANIED BY A REPRESENTATIVE;

~~(4)~~ (6) ISSUE A WRITTEN OPINION THAT DESCRIBES IN DETAIL ITS FINDINGS, DETERMINATIONS, AND RECOMMENDATIONS; AND

~~(5)~~ (7) FORWARD THE WRITTEN OPINION TO THE CHIEF OF THE LAW ENFORCEMENT AGENCY, THE POLICE OFFICER, AND THE COMPLAINANT.

(F) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (E) OF 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;

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

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

(II) THE POLICE OFFICER IS EXONERATED; AND

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

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

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

~~3-106.~~ 3-105.

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

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

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

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

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

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

(5) AT LEAST 30 DAYS BEFORE A TRIAL BOARD PROCEEDING BEGINS, THE POLICE OFFICER SHALL BE:

(I) PROVIDED A COPY OF THE INVESTIGATORY RECORD;

(II) NOTIFIED OF THE CHARGES AGAINST THE POLICE OFFICER;

AND

(III) NOTIFIED OF THE DISCIPLINARY ACTION BEING RECOMMENDED.

~~3-107.~~ 3-106.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A TRIAL BOARD PROCESS IN ACCORDANCE WITH THIS SECTION TO ADJUDICATE MATTERS FOR WHICH A POLICE OFFICER IS SUBJECT TO DISCIPLINE.

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

(B) A TRIAL BOARD SHALL BE COMPOSED OF:

(1) AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE OR A RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT, APPOINTED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY;

(2) A CIVILIAN WHO IS NOT A MEMBER OF AN ADMINISTRATIVE CHARGING COMMITTEE, APPOINTED BY THE COUNTY'S POLICE ACCOUNTABILITY BOARD; AND

(3) A POLICE OFFICER OF EQUAL RANK TO THE POLICE OFFICER WHO IS ACCUSED OF MISCONDUCT APPOINTED BY THE HEAD OF THE LAW ENFORCEMENT AGENCY.

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

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

(1) A VICTIM'S IDENTITY;

(2) THE PERSONAL PRIVACY OF AN INDIVIDUAL;

(3) A CHILD WITNESS;

(4) MEDICAL RECORDS;

(5) THE IDENTITY OF A CONFIDENTIAL SOURCE;

(6) AN INVESTIGATIVE TECHNIQUE OR PROCEDURE; OR

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

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

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

~~(1) TESTIFY;~~

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

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

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

(G) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROOF BY A PREPONDERANCE OF THE EVIDENCE IN ANY PROCEEDING UNDER THIS SUBTITLE.

(H) A POLICE OFFICER MAY BE DISCIPLINED ONLY FOR CAUSE.

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

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

(II) IF THE TRIAL BOARD IS FROM A STATEWIDE OR BI-COUNTY LAW ENFORCEMENT AGENCY, TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

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

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

~~3-108.~~ 3-107.

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

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

(3) A POLICE OFFICER WHO IS SUSPENDED WITHOUT PAY UNDER THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF AN ADMINISTRATIVE CHARGING COMMITTEE DETERMINES NOT TO ADMINISTRATIVELY CHARGE THE POLICE OFFICER IN CONNECTION WITH THE MATTER ON WHICH THE SUSPENSION IS BASED.

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

~~(I) A FELONY;~~

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

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

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

(B) (1) A CHIEF OR A CHIEF'S DESIGNEE MAY SUSPEND A POLICE OFFICER WITHOUT PAY AND SUSPEND THE POLICE OFFICER'S POLICE POWERS ON AN EMERGENCY BASIS IF THE POLICE OFFICER IS CHARGED WITH:

(I) A DISQUALIFYING CRIME, AS DEFINED IN § 5-101 OF THIS ARTICLE;

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

(III) A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT, OR MISREPRESENTATION.

(2) A POLICE OFFICER WHO WAS SUSPENDED WITHOUT PAY UNDER THIS SUBSECTION IS ENTITLED TO RECEIVE BACK PAY IF THE ~~POLICE OFFICER IS FOUND NOT GUILTY OF THE CRIMINAL CHARGE OR CHARGES ON WHICH THE SUSPENSION WAS BASED~~ CRIMINAL CHARGE OR CHARGES AGAINST THE POLICE OFFICER RESULT IN:

(I) A FINDING OF NOT GUILTY;

(II) AN ACQUITTAL;

(III) A DISMISSAL; OR

(IV) A NOLLE PROSEQUI.

(C) (1) THE CHIEF SHALL TERMINATE THE EMPLOYMENT OF A POLICE OFFICER WHO IS CONVICTED OF ~~OR~~ A FELONY.

(2) THE CHIEF MAY TERMINATE THE EMPLOYMENT OF A POLICE OFFICER WHO:

(I) RECEIVES A PROBATION BEFORE JUDGMENT ~~FOR:~~ FOR

~~(1)~~ A FELONY; OR

~~(2)~~ (II) ~~A~~ IS CONVICTED OF:

1. A MISDEMEANOR COMMITTED IN THE PERFORMANCE OF DUTIES AS A POLICE OFFICER;

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

2. MISDEMEANOR SECOND DEGREE ASSAULT; OR

~~(4)~~ 3. A MISDEMEANOR INVOLVING DISHONESTY, FRAUD, THEFT, OR MISREPRESENTATION.

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

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

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

(II) IF A POLICE OFFICER IS REQUIRED TO SUBMIT TO A POLYGRAPH EXAMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE RESULTS OF THE POLYGRAPH EXAMINATION ARE NOT ADMISSIBLE OR DISCOVERABLE IN A CRIMINAL OR CIVIL PROCEEDING AGAINST THE POLICE OFFICER.

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

~~3-109. 3-108.~~

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

(2) A VICTIMS' RIGHTS ADVOCATE SHALL:

(I) EXPLAIN TO A COMPLAINANT:

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

2. ANY DECISION TO TERMINATE AN INVESTIGATION;

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

4. A TRIAL BOARD'S DECISION;

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

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

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

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

(1) INVESTIGATION;

(2) CHARGING;

- (3) OFFER OF DISCIPLINE;
- (4) TRIAL BOARD;
- (5) ULTIMATE DISCIPLINE; AND
- (6) APPEAL.

~~(c) (1) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC ALLEGING POLICE OFFICER MISCONDUCT.~~

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

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

~~3-110, 3-109.~~

A POLICE OFFICER WHO IS THE SUBJECT OF A COMPLAINT OF POLICE MISCONDUCT AND A COMPLAINANT ~~HAVE THE RIGHT TO REPRESENTATION~~ MAY HAVE THE ASSISTANCE OF A REPRESENTATIVE IN CONNECTION WITH PROCEEDINGS UNDER THIS SUBTITLE.

~~3-111, 3-110.~~

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

- (1) DISCLOSED INFORMATION THAT EVIDENCES:
 - (I) MISMANAGEMENT;
 - (II) A WASTE OF GOVERNMENT RESOURCES;
 - (III) A DANGER TO PUBLIC HEALTH OR SAFETY; OR

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

(2) LAWFULLY EXERCISED CONSTITUTIONAL RIGHTS.

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

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

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

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

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

~~3-112.~~ 3-111.

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

~~3-113.~~ 3-112.

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

~~(1) EXPUNGED; OR~~

~~(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.~~

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

(1) EXPUNGED; OR

(2) DESTROYED BY A LAW ENFORCEMENT AGENCY.**3-113.**

(A) THE INVESTIGATING UNIT OF A LAW ENFORCEMENT AGENCY SHALL IMMEDIATELY REVIEW A COMPLAINT BY A MEMBER OF THE PUBLIC ALLEGING POLICE OFFICER MISCONDUCT.

(B) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL REVIEW AND MAKE A DETERMINATION OR ASK FOR FURTHER REVIEW WITHIN 30 DAYS AFTER COMPLETION OF THE INVESTIGATING UNIT'S REVIEW.

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

3-114.

THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE.

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

Article – Public Safety

3-203.

(a) The Commission consists of the following members:

- (1) the President of the Maryland Chiefs of Police Association;
- (2) the President of the Maryland Sheriffs Association;
- (3) the Attorney General of the State;
- (4) the Secretary of State Police;
- (5) the agent in charge of the Baltimore office of the Federal Bureau of Investigation;
- (6) one member representing the Maryland State Lodge of Fraternal Order of Police;

- (7) one member representing the Maryland State's Attorneys' Association;
- (8) ~~the~~ Chair of the Maryland Municipal League Police Executive Association;
- ~~(9) the President of Maryland Law Enforcement Officers, Inc.;~~
- ~~(10)~~ **(9)** the Police Commissioner of Baltimore City;
- ~~(11)~~ **(10)** the President of the Police Chiefs' Association of Prince George's County;
- ~~(12)~~ **(11)** a CIVILIAN representative from the Wor-Wic Program Advisory Committee – Criminal Justice; AND
- ~~(13) two members of the Senate of Maryland, appointed by the President of the Senate;~~
- ~~(14) two members of the House of Delegates, appointed by the Speaker of the House;] and~~
- [(15)]** ~~(9)~~ **(12)** the following individuals, appointed by the Governor with the advice and consent of the Senate:
- (i) ~~three~~ three police officers, representing different geographic areas of the State;
- (ii) ~~one individual~~ one CIVILIAN with expertise in community policing WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;
- ~~(iii)~~ **(ii)** one ~~individual~~ CIVILIAN with expertise in policing standards WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT;
- ~~(iv)~~ **(iii)** one ~~individual~~ CIVILIAN with expertise in mental health ~~WITHOUT~~ WHO DOES NOT HAVE RELATIONSHIPS TO LAW ENFORCEMENT; and
- ~~(v)~~ **(iv)** [two] ~~NINE~~ THREE citizens of the State ~~without~~ WHO REPRESENT DIFFERENT GEOGRAPHIC AREAS OF THE STATE AND DO NOT HAVE relationships to law enforcement.

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

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

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

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

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

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

3-207.

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

(16) to require, for entrance-level police training and, as determined by the Commission, for in-service level training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, consistent with established law enforcement standards and federal and State constitutional provisions:

(i) training in lifesaving techniques, including Cardiopulmonary Resuscitation (CPR);

(ii) training in the proper level and use of force AS SET FORTH IN THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE;

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

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

(g) The Commission shall develop and administer:

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

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

(J) THE COMMISSION SHALL:

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

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

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

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

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

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

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

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

(K) THE COMMISSION SHALL:

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

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

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

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

3–209.

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

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

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

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

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

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

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

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

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

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

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

(E) AS A CONDITION OF CERTIFICATION, A POLICE OFFICER SHALL ~~ANNUALLY~~ SUBMIT TO A MENTAL HEALTH ASSESSMENT EVERY 2 YEARS AND ~~A AN ANNUAL~~ PHYSICAL AGILITY ASSESSMENT TO ESTABLISH CONTINUING FITNESS TO CARRY OUT THE DUTIES OF THE OFFICER'S ASSIGNED DUTIES AS A POLICE OFFICER.

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

3-212.

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

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

(II) **VIOLATES THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE; OR**

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

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

(I) **CONVICTED OF A FELONY;**

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

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

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

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

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

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

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

Article – Public Safety

3-215.

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

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

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

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

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

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

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

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

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

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

~~(E)~~ **(E)** A probationary appointee is entitled to a leave of absence with pay during the period of the training program.

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

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

(2) “COMMISSION” MEANS THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.

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

(4) “OFFICE” MEANS THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

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

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

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

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

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

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

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

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

(1) THE NUMBER OF ARRESTS MADE, IF ANY;

(II) WHETHER PROPERTY WAS SEIZED;

(III) WHETHER A FORCIBLE ENTRY WAS MADE;

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

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

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

(D) A LAW ENFORCEMENT AGENCY SHALL:

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

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

(I) THE OFFICE; AND

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

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

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

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

(I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO THE GOVERNOR, THE GENERAL ASSEMBLY AS PROVIDED IN §

2-1257 OF THE STATE GOVERNMENT ARTICLE, AND EACH LAW ENFORCEMENT AGENCY; AND

(II) PUBLISH THE REPORT ON ITS WEBSITE.

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

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

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

~~§ 511.~~

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

- ~~(1) the testing of body worn cameras to ensure adequate functioning;~~
- ~~(2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer's shift;~~
- ~~(3) when recording is mandatory;~~
- ~~(4) when recording is prohibited;~~
- ~~(5) when recording is discretionary;~~
- ~~(6) when recording may require consent of a subject being recorded;~~
- ~~(7) when a recording may be ended;~~
- ~~(8) providing notice of recording;~~
- ~~(9) access to and confidentiality of recordings;~~

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

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

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

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

3-514.

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

(B) (1) ON OR BEFORE MARCH 1 EACH YEAR, EACH LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION THE NUMBER OF USE OF FORCE COMPLAINTS MADE AGAINST ITS POLICE OFFICERS DURING THE PREVIOUS CALENDAR YEAR, AGGREGATED BY NUMBERS OF COMPLAINTS ADMINISTRATIVELY CHARGED, NOT CHARGED, UNFOUNDED, AND EXONERATED.

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

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

~~3-515.~~

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

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

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

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

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

(1) A COMPLAINT OF POLICE OFFICER MISCONDUCT; AND

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

~~3-516.~~

(a) Each law enforcement agency shall establish a [confidential and nonpunitive] DATA-BASED early intervention [policy for counseling officers who receive three or more citizen complaints within a 12-month period] SYSTEM, BASED ON GUIDELINES DEVELOPED BY THE COMMISSION, TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK

~~FOR ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE ALL OFFICERS WHO ARE IDENTIFIED WITH RETRAINING AND BEHAVIORAL INTERVENTIONS, REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.~~

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

~~(c) A policy 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) "INDEPENDENT INVESTIGATIVE AGENCY" MEANS AN INDEPENDENT UNIT OF STATE GOVERNMENT THAT MAY EMPLOY SWORN POLICE OFFICERS AND CIVILIANS FOR THE PURPOSE OF INVESTIGATING USE OF FORCE INCIDENTS INVOLVING POLICE OFFICERS.~~

~~(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.~~

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

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

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

~~(1) NOTIFY THE INDEPENDENT INVESTIGATIVE AGENCY OF ANY 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.~~

~~§ 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 TITLE.~~

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

~~(6) (i) “LETHAL FORCE” MEANS ANY FORCE THAT CREATES A SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, WHETHER OR NOT INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY.~~

~~(ii) “LETHAL FORCE” INCLUDES:~~

- ~~1. THE DISCHARGE OF A FIREARM AT A PERSON;~~
- ~~2. A STRIKE TO A PERSON’S HEAD, NECK, STERNUM, SPINE, GROIN, OR KIDNEYS USING ANY HARD OBJECT;~~
- ~~3. A STRIKE TO A PERSON’S HEAD AGAINST A HARD, FIXED OBJECT;~~
- ~~4. A KICK OR STRIKE TO A PERSON’S HEAD USING A KNEE OR FOOT;~~
- ~~5. A STRIKE TO A PERSON’S THROAT;~~
- ~~6. A KNEE DROP ON THE HEAD, NECK, OR TORSO OF A PERSON IN A PRONE OR SUPINE POSITION;~~
- ~~7. A MANEUVER THAT RESTRICTS BLOOD OR OXYGEN FLOW TO THE BRAIN, INCLUDING CHOKEHOLDS, STRANGLEHOLDS, NECK RESTRAINTS, NECK HOLDS, AND CAROTID ARTERY RESTRAINTS;~~
- ~~8. ANY CONTACT WITH THE NECK THAT MAY INHIBIT BREATHING OR BLOOD FLOW, OR THAT APPLIES PRESSURE TO THE FRONT, SIDE, OR BACK OF THE NECK;~~
- ~~9. THE DISCHARGE OF A LESS LETHAL KINETIC IMPACT PROJECTILE LAUNCHER AT A PERSON’S HEAD, NECK, CHEST, OR BACK; AND~~
- ~~10. MORE THAN ONE DISCHARGE OF AN ELECTRONIC CONTROL DEVICE ON A PERSON.~~

~~(7) “POLICE OFFICER” MEANS:~~

- ~~(i) A POLICE OFFICER AS DEFINED IN § 3-201 OF THIS TITLE;~~
OR
~~(ii) A SPECIAL POLICE OFFICER AS DEFINED IN § 3-301 OF THIS TITLE.~~

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

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

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

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

~~(II) ACTIONS OF THE POLICE OFFICER.~~

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

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

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

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

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

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

~~(iii) A POLICE OFFICER SHALL CEASE THE USE OF FORCE AS SOON AS:~~

~~1. THE PERSON ON WHOM FORCE IS USED:~~

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

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

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

~~(3) A POLICE OFFICER MAY NOT USE LETHAL FORCE AGAINST A PERSON UNLESS:~~

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

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

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

~~(3) (4) A POLICE OFFICER SHALL:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(8) ALL POLICE OFFICERS SHALL:~~

~~(I) UNDERGO LESS LETHAL FORCE TRAINING; AND~~

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

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

~~(I) DISCHARGE A FIREARM AT A MOVING VEHICLE UNLESS:~~

~~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.~~

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

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

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

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

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

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

~~(2) DESCRIBES THE NATURE OF EACH VIOLATION.~~

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

~~Article — Public Safety~~

~~3-525.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~3-526.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) ALLEGATIONS OF MISCONDUCT MADE BY A MEMBER OF THE PUBLIC; AND~~

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

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

~~(d) AN ADMINISTRATIVE CHARGING COMMITTEE SHALL:~~

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

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

~~(i) ADMINISTRATIVELY CHARGED; OR~~

~~(ii) NOT ADMINISTRATIVELY CHARGED;~~

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

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

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

~~(E) IN EXECUTING ITS DUTIES IN ACCORDANCE WITH SUBSECTION (D) OF 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 LAW ENFORCEMENT OFFICER'S DUTIES:~~

~~(I) A FELONY; OR~~

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

~~(B) THIS SECTION DOES NOT APPLY TO:~~

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

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

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

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

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

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

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

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

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

~~(3) THE QUALIFYING CRIME FOR WHICH THE LAW ENFORCEMENT OFFICER WAS CONVICTED WAS COMMITTED WHILE THE LAW ENFORCEMENT OFFICER WAS AN ACTIVE MEMBER OF THE STATE POLICE RETIREMENT SYSTEM, THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR A LOCAL PENSION SYSTEM.~~

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

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

~~(I) THE SEVERITY OF THE CRIME;~~

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

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

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

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

SECTION ~~5. 7.~~ 6. AND BE IT FURTHER ENACTED, That on or before December 31, ~~2021~~ 2022, the Emergency Number Systems Board shall study and report to the House Judiciary Committee and the Senate Judicial Proceedings Committee, in accordance with § 2-1257 of the State Government Article, regarding whether certain types of calls for 9-1-1 service should be diverted to a person or entity other than law enforcement agencies.

SECTION ~~8.~~ 7. AND BE IT FURTHER ENACTED, That ~~Section 4 of this Act § 5-303 of the Courts and Judicial Proceedings Article, as enacted by Section 3 of this Act, and § 12-103 of the State Government Article, as enacted by Section 3 of this Act,~~ shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from a tortious act or omission *or violation of a constitutional right* committed by a law enforcement officer on or before ~~September 30, 2021~~ June 30, 2022.

~~SECTION 9. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall be construed to apply prospectively to any Public Information Act request made on or after~~

~~the effective date of this Act regardless of when the record requested to be produced was created.~~

SECTION ~~6, 10,~~ 8. AND BE IT FURTHER ENACTED, That ~~Section 4-6 of this Act shall~~ *Title 3, Subtitle 1 of the Public Safety Article, as enacted by Section 3 of this Act, shall* be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to:

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

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

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

SECTION 12, 10. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Higher Education Commission adopt similar regulations for determining award calculations for the Maryland Police Officers Repayment Program under Title 18, Subtitle 38 of the Education Article as the award calculation regulations in COMAR 13B.08.02.06 for the Janet L. Hoffman Loan Assistance Repayment Program under Title 18, Subtitle 15 of the Education Article.

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

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

SECTION 11. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take effect July 1, 2022, contingent on the taking effect of Chapter _____ (S.B. 71) of the Acts of the General Assembly of 2021, and if Chapter _____ (S.B. 71) does not take effect, Section 4 of this Act, with no further action required by the General Assembly, shall be null and void.

SECTION 12. AND BE IT FURTHER ENACTED, That, except as provided in Section 11 of this Act, this Act shall take effect July 1, 2022.