

SENATE BILL 389

E4
SB 608/21 – JPR

2lr1255

By: **Senator Jackson**

Introduced and read first time: January 24, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2022

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Maryland Police ~~Training and Standards Commission~~**
3 **Accountability Act Revisions and Clarifications**

4 FOR the purpose of ~~altering the membership and duties of the Maryland Police Training~~
5 ~~and Standards Commission; providing that a law enforcement agency may employ~~
6 ~~an individual as a police officer for a certain period only if the individual is certified~~
7 ~~or provisionally certified by the Commission; altering provisions of law relating to~~
8 ~~the certification and recertification of police officers; and generally relating to the~~
9 ~~Maryland Police Training and Standards Commission~~ specifying that a certain
10 disciplinary matrix applies to all complaints of police misconduct; specifying that the
11 purpose of a certain trial board process is to adjudicate all internal and external
12 matters for which a police officer is subject to discipline; establishing the composition
13 of a trial board for a statewide or bi-county law enforcement agency; prohibiting the
14 use of collective bargaining to establish or alter a process for investigation and
15 disposition of certain complaints; altering the process for appealing certain
16 disciplinary matters; altering the effective date of a certain Act of the General
17 Assembly; and generally relating to the process for disciplining police officers.

18 ~~BY repealing and reenacting, without amendments,~~
19 ~~Article – Public Safety~~
20 ~~Section 3–201(a) and (b) and 3–202~~
21 ~~Annotated Code of Maryland~~
22 ~~(2018 Replacement Volume and 2021 Supplement)~~

23 ~~BY adding to~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Public Safety~~
 2 ~~Section 3-201(e)~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2018 Replacement Volume and 2021 Supplement)~~

5 ~~BY repealing and reenacting, with amendments,~~
 6 ~~Article – Public Safety~~
 7 ~~Section 3-201(e) through (g), 3-203(e), 3-204, 3-209.1, 3-211, and 3-213 through~~
 8 ~~3-215~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2018 Replacement Volume and 2021 Supplement)~~

11 ~~BY repealing and reenacting, with amendments,~~
 12 ~~Article – Public Safety~~
 13 ~~Section 3-207 and 3-209~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2018 Replacement Volume and 2021 Supplement)~~
 16 ~~(As enacted by Chapter 59 of the Acts of the General Assembly of 2021)~~

17 ~~BY repealing~~
 18 ~~Article – Public Safety~~
 19 ~~Section 3-210 and 3-216~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2018 Replacement Volume and 2021 Supplement)~~

22 BY repealing and reenacting, with amendments,
 23 Article – Public Safety
 24 Section 3-104(d), 3-105, 3-106, and 3-111
 25 Annotated Code of Maryland
 26 (2018 Replacement Volume and 2021 Supplement)
 27 (As enacted by Section 3 of Chapter 59 of the Acts of the General Assembly of 2021)

28 BY repealing and reenacting, with amendments,
 29 Chapter 59 of the Acts of the General Assembly of 2021
 30 Section 8 and 12

31 BY adding to
 32 Chapter 59 of the Acts of the General Assembly of 2021
 33 Section 12

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

36 **Article – Public Safety**

37 ~~3-201.~~

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

2 ~~(b) "Commission" means the Maryland Police Training and Standards~~
3 ~~Commission.~~

4 ~~(E) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON CERTIFIED OR~~
5 ~~LICENSED TO PROVIDE MENTAL HEALTH SERVICES UNDER THE HEALTH~~
6 ~~OCCUPATIONS ARTICLE.~~

7 ~~[(c)] (F) "Motorcycle profiling" means the arbitrary use of the fact that an~~
8 ~~individual rides a motorcycle or wears motorcycle related clothing or paraphernalia as a~~
9 ~~factor in deciding to stop, question, take enforcement action, arrest, or search the individual~~
10 ~~or vehicle.~~

11 ~~[(f)] (G) (1) "Police officer" means an individual who:~~

12 ~~(i) is authorized to enforce the general criminal laws of the State;~~
13 ~~and~~

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

15 ~~1. the Department of State Police;~~

16 ~~2. the Police Department of Baltimore City;~~

17 ~~3. the police department, bureau, or force of a county;~~

18 ~~4. the police department, bureau, or force of a municipal~~
19 ~~corporation;~~

20 ~~5. the Maryland Transit Administration police force;~~

21 ~~6. the Maryland Transportation Authority Police;~~

22 ~~7. the police forces of the University System of Maryland;~~

23 ~~8. the police force of Morgan State University;~~

24 ~~9. the office of the sheriff of a county;~~

25 ~~10. the police forces of the Department of Natural Resources;~~

26 ~~11. the police force of the Maryland Capitol Police of the~~
27 ~~Department of General Services;~~

28 ~~12. the police force of a State, county, or municipal corporation~~
29 ~~if the special police officers are appointed under Subtitle 3 of this title;~~

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~~13. the Housing Authority of Baltimore City Police Force;~~

~~14. the Baltimore City School Police Force;~~

~~15. the Crofton Police Department;~~

~~16. the Washington Suburban Sanitary Commission Police Force;~~

~~17. the Ocean Pines Police Department;~~

~~18. the police force of the Baltimore City Community College;~~

~~19. the police force of the Hagerstown Community College;~~

~~20. the Warrant Apprehension Unit of the Intelligence and Investigative Division in the Department;~~

~~21. the police force of the Anne Arundel Community College;~~

~~22. the police department of the Johns Hopkins University established in accordance with Title 24, Subtitle 12 of the Education Article.~~

~~(2) "Police officer" includes:~~

~~(i) a member of the Field Enforcement Bureau of the Comptroller's Office;~~

~~(ii) a member of the Field Enforcement Division of the Alcohol and Tobacco Commission;~~

~~(iii) the State Fire Marshal or a deputy State fire marshal;~~

~~(iv) an investigator of the Intelligence and Investigative Division of the Department;~~

~~(v) a Montgomery County fire and explosive investigator as defined in § 2-208.1 of the Criminal Procedure Article;~~

~~(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2-208.2 of the Criminal Procedure Article;~~

~~(vii) a Prince George's County fire and explosive investigator as defined in § 2-208.3 of the Criminal Procedure Article;~~

1 ~~(viii) a Worcester County fire and explosive investigator as defined in~~
 2 ~~§ 2-208.4 of the Criminal Procedure Article;~~

3 ~~(ix) a City of Hagerstown fire and explosive investigator as defined~~
 4 ~~in § 2-208.5 of the Criminal Procedure Article; and~~

5 ~~(x) a Howard County fire and explosive investigator as defined in §~~
 6 ~~2-208.6 of the Criminal Procedure Article.~~

7 ~~(3) "Police officer" does not include:~~

8 ~~(i) an individual who serves as a police officer only because the~~
 9 ~~individual occupies another office or position;~~

10 ~~(ii) a sheriff, the Secretary of State Police, a commissioner of police,~~
 11 ~~a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of~~
 12 ~~police, or another individual with an equivalent title who is appointed or employed by a~~
 13 ~~government to exercise equivalent supervisory authority; or~~

14 ~~(iii) a member of the Maryland National Guard who:~~

15 ~~1. is under the control and jurisdiction of the Military~~
 16 ~~Department;~~

17 ~~2. is assigned to the military property designated as the~~
 18 ~~Martin State Airport; and~~

19 ~~3. is charged with exercising police powers in and for the~~
 20 ~~Martin State Airport.~~

21 ~~[(g)] (H) ["SWAT team"] "SPECIAL TACTICAL RESPONSE TEAM" means an~~
 22 ~~agency designated unit of law enforcement officers who are selected, trained, and equipped~~
 23 ~~to work as a coordinated team to resolve critical incidents that are so hazardous, complex,~~
 24 ~~or unusual that they may exceed the capabilities of first responders or investigative units.~~

25 ~~§ 202.~~

26 ~~There is a Maryland Police Training and Standards Commission, which is an~~
 27 ~~independent commission that functions in the Department.~~

28 ~~§ 203.~~

29 ~~(e) Except for [the appointed members] A MEMBER APPOINTED BY THE~~
 30 ~~GOVERNOR, a member of the Commission may serve personally at a Commission meeting~~
 31 ~~or may designate, IN WRITING, a representative from the member's unit, agency, or~~
 32 ~~association who may act at any meeting to the same effect as if the member were personally~~
 33 ~~present.~~

1 ~~§ 204.~~

2 ~~(A) THE SECRETARY OF STATE POLICE IS THE CHAIR OF THE COMMISSION.~~

3 ~~(B) The Commission annually shall elect a [chair and] vice chair from among its~~
4 ~~members.~~

5 ~~§ 207.~~

6 ~~(a) The Commission [has the following powers and duties] SHALL:~~

7 ~~(1) [to] establish standards for the approval and continuation of approval~~
8 ~~of [schools] EACH SCHOOL that [conduct] CONDUCTS police entrance level and in-service~~
9 ~~training courses required by the Commission, including EACH State, regional, county, and~~
10 ~~municipal training [schools] SCHOOL;~~

11 ~~(2) CONDUCT JOB TASK ANALYSES FOR ENTRANCE LEVEL POLICE~~
12 ~~OFFICERS EVERY 10 YEARS BEGINNING ON OR BEFORE DECEMBER 31, 2022;~~

13 ~~(3) [to] approve and issue certificates of approval to police training schools;~~

14 ~~[(3)] (4) [to] inspect police training schools;~~

15 ~~[(4)] (5) [to] revoke, for cause, the approval or certificate of approval~~
16 ~~issued to a police training school;~~

17 ~~[(5)] (6) [to] establish the following for police training schools:~~

18 ~~(i) curriculum;~~

19 ~~(ii) minimum courses of study;~~

20 ~~(iii) attendance requirements;~~

21 ~~(iv) eligibility requirements;~~

22 ~~(v) equipment and facilities;~~

23 ~~(vi) standards of operation; and~~

24 ~~(vii) minimum qualifications for instructors;~~

25 ~~[(6) to require, for entrance level police training and at least every 3 years~~
26 ~~for in-service level police training conducted by the State and each county and municipal~~

1 ~~police training school, that the curriculum and minimum courses of study include special~~
2 ~~training, attention to, and study of the application and enforcement of:~~

3 ~~(i) the criminal laws concerning rape and sexual offenses, including~~
4 ~~the sexual abuse and exploitation of children and related evidentiary procedures;~~

5 ~~(ii) the criminal laws concerning human trafficking, including~~
6 ~~services and support available to victims and the rights and appropriate treatment of~~
7 ~~victims;~~

8 ~~(iii) the criminal laws concerning hate crimes, including the~~
9 ~~recognition of, response to, and reporting of incidents required to be reported under §~~
10 ~~2-307 of this article;~~

11 ~~(iv) the contact with and treatment of victims of crimes and~~
12 ~~delinquent acts;~~

13 ~~(v) the notices, services, support, and rights available to victims and~~
14 ~~victims' representatives under State law; and~~

15 ~~(vi) the notification of victims of identity fraud and related crimes of~~
16 ~~their rights under federal law;]~~

17 ~~(7) [to] certify [and issue appropriate certificates to] qualified instructors~~
18 ~~for police training schools authorized by the Commission to offer police training programs;~~

19 ~~(8) [to] verify that police officers have satisfactorily completed [training~~
20 ~~programs and issue diplomas to those police officers] **ENTRANCE-LEVEL TRAINING**~~
21 ~~**PROGRAMS;**~~

22 ~~(9) [to] conduct and operate police training schools authorized by the~~
23 ~~Commission to offer police training programs;~~

24 ~~(10) [to] make a continuous study of entrance level and in-service training~~
25 ~~methods and procedures;~~

26 ~~[(11) to consult with and accept the cooperation of any recognized federal,~~
27 ~~State, or municipal law enforcement agency or educational institution;~~

28 ~~(12) to consult and cooperate with universities, colleges, and institutions in~~
29 ~~the State to develop specialized courses of study for police officers in police science and~~
30 ~~police administration;~~

31 ~~(13) to consult and cooperate with other agencies and units of the State~~
32 ~~concerned with police training;~~

~~(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008;]~~

~~(11) ON OR BEFORE AUGUST 15 EACH YEAR, POST ON THE COMMISSION'S WEBSITE AND NOTIFY EACH LAW ENFORCEMENT AGENCY IN THE STATE OF;~~

~~(I) ALL TRAINING TOPICS DESCRIBED IN ITEMS (14) THROUGH (16) OF THIS SUBSECTION; AND~~

~~(II) ALL TRAINING TOPICS THAT WILL BE REQUIRED IN THE NEXT CALENDAR YEAR;~~

~~(12) VERIFY THAT POLICE OFFICERS CERTIFIED BY THE COMMISSION MAINTAIN A CURRENT CERTIFICATION IN LIFESAVING TECHNIQUES, INCLUDING CPR;~~

~~(13) CONSULT WITH ANY RECOGNIZED FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY OR EDUCATIONAL INSTITUTION, INSTITUTION THAT SPECIALIZES IN COURSES OF STUDY FOR POLICE OFFICERS, OR AGENCY OR UNIT OF THE STATE INVOLVED IN POLICE TRAINING;~~

~~[(15)] (14) [to] require, for entrance level police training and annually for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include, for police officers who are issued an electronic control device by a law enforcement agency, special training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal Law Article, consistent with established law enforcement standards and federal and State constitutional provisions;~~

~~[(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

1 (iv) ~~training regarding individuals with physical, intellectual,~~
2 ~~developmental, and psychiatric disabilities;]~~

3 ~~[(17)](15) [to] require, for entrance level police training and at least every~~
4 ~~2 years for in-service level police training conducted by the State and each county and~~
5 ~~municipal police training school, that the curriculum and minimum courses of study~~
6 ~~include special training, attention to, and study of the application of antidiscrimination and~~
7 ~~use of force de-escalation training;~~

8 ~~[(18) to develop, with the cooperation of the Office of the Attorney General,~~
9 ~~the Governor's Office of Crime Prevention, Youth, and Victim Services, and the Federal~~
10 ~~Trade Commission, a uniform identity fraud reporting form that:~~

11 (i) ~~makes transmitted data available on or before October 1, 2011,~~
12 ~~for use by each law enforcement agency of State and local government; and~~

13 (ii) ~~may authorize the data to be transmitted to the Consumer~~
14 ~~Sentinel program in the Federal Trade Commission;~~

15 (19) ~~to adopt and recommend a set of best practices and standards for use of~~
16 ~~force;]~~

17 ~~(16) REQUIRE, FOR ENTRANCE LEVEL POLICE TRAINING AND AT~~
18 ~~LEAST EVERY 3 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY~~
19 ~~THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT~~
20 ~~THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING,~~
21 ~~ATTENTION TO, AND STUDY OF:~~

22 ~~(I) THE CRIMINAL LAWS CONCERNING RAPE AND SEXUAL~~
23 ~~OFFENSES, INCLUDING THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN AND~~
24 ~~RELATED EVIDENTIARY PROCEDURES;~~

25 ~~(II) THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING,~~
26 ~~INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS OF~~
27 ~~AND APPROPRIATE TREATMENT OF VICTIMS;~~

28 ~~(III) THE CONTACT WITH AND TREATMENT OF VICTIMS OF~~
29 ~~CRIMES AND DELINQUENT ACTS;~~

30 ~~(IV) THE NOTICES, SERVICES, SUPPORT, AND RIGHTS~~
31 ~~AVAILABLE TO VICTIMS AND VICTIMS' REPRESENTATIVES UNDER STATE LAW;~~

32 ~~(V) THE NOTIFICATION OF VICTIMS OF IDENTITY FRAUD AND~~
33 ~~RELATED CRIMES OF THEIR RIGHTS UNDER FEDERAL LAW;~~

~~(VI) THE USE OF FORCE, DE-ESCALATION, AND THE DUTY OF A POLICE OFFICER TO INTERVENE WHEN THE POLICE OFFICER OBSERVES ANOTHER OFFICER USING FORCE THAT IS EXCESSIVE AS SET FORTH IN THE MARYLAND USE OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE OR OTHERWISE VIOLATES THE USE OF FORCE POLICIES OF THE STATE OR THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER;~~

~~(VII) THE RECOGNITION AND PREVENTION OF DISCRIMINATION BASED ON:~~

~~1. RACE;~~

~~2. COLOR;~~

~~3. RELIGION OR CREED;~~

~~4. NATIONAL ORIGIN OR ANCESTRY;~~

~~5. SEX;~~

~~6. SEXUAL ORIENTATION;~~

~~7. GENDER IDENTITY;~~

~~8. AGE;~~

~~9. PHYSICAL OR MENTAL DISABILITY;~~

~~10. MARITAL STATUS;~~

~~11. VETERAN STATUS;~~

~~12. GENETIC INFORMATION;~~

~~13. CITIZENSHIP; OR~~

~~14. CULTURE; AND~~

~~(VIII) ALL ASPECTS OF PROFILING, INCLUDING:~~

~~1. PROFILING IN WHICH AN INDIVIDUAL IS IMPROPERLY TARGETED AS A SUSPECT OF A CRIME BECAUSE OF THE PERSON'S RACE, ETHNICITY, RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC;~~

1 ~~2. PROFILING IN WHICH A SUSPECT'S RACE, ETHNICITY,~~
2 ~~RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC HAS BEEN REPORTED DURING~~
3 ~~THE COURSE OF AN INVESTIGATION; AND~~

4 ~~3. MOTORCYCLE PROFILING;~~

5 ~~[(20)] (17) [to] evaluate and modernize recruitment standards and~~
6 ~~practices of law enforcement agencies to increase diversity within those law enforcement~~
7 ~~agencies and develop strategies for recruiting women and African American, Hispanic or~~
8 ~~Latino, and other minority candidates;~~

9 ~~[(21)] (18) [to develop] MAINTAIN standards for the mandatory~~
10 ~~psychological consultation with a law enforcement officer who was actively involved in an~~
11 ~~incident when another person was seriously injured or killed as a result of an accident or a~~
12 ~~shooting or has returned from combat deployment;~~

13 ~~[(22)] (19) [to require:~~

14 ~~(i)] REQUIRE, ON OR BEFORE DECEMBER 31, 2022, a statement~~
15 ~~condemning motorcycle profiling to be included in existing written policies regarding other~~
16 ~~profiling; [and~~

17 ~~(ii) for entrance level police training and for in-service level~~
18 ~~training conducted by the State and each county and municipal police training school, that~~
19 ~~the curriculum and minimum courses of study include, consistent with established law~~
20 ~~enforcement standards and federal and State constitutional provisions, training related to~~
21 ~~motorcycle profiling in conjunction with existing training regarding other profiling;]~~

22 ~~[(23)] (20) [to] perform any other act, including adopting regulations, that~~
23 ~~is necessary or appropriate to carry out the powers and duties of the Commission under~~
24 ~~this subtitle; and~~

25 ~~[(24)] (21) [to consult and cooperate with commanders of SWAT teams to~~
26 ~~develop] MAINTAIN standards for training and deployment of [SWAT] SPECIAL~~
27 ~~TACTICAL RESPONSE teams and of law enforcement officers [who are not members of a~~
28 ~~SWAT team] who conduct no-knock warrant service in the State based on best practices in~~
29 ~~the State and nationwide.~~

30 ~~(b) (1) The Commission shall [develop] MAINTAIN a system by which law~~
31 ~~enforcement agencies report to the Commission on the number of serious officer-involved~~
32 ~~incidents each year, the number of officers disciplined each year, and the type of discipline~~
33 ~~administered to those officers.~~

34 ~~(2) The Commission shall annually summarize the information submitted~~
35 ~~by law enforcement agencies and:~~

1 (i) ~~ON OR BEFORE MARCH 31 EACH YEAR, post the summary,~~
2 ~~excluding the names of officers and other involved parties, on a website maintained by the~~
3 ~~Commission; and~~

4 (ii) ~~submit the summary to the General Assembly, as provided in §~~
5 ~~2-1257 of the State Government Article.~~

6 (e) (1) ~~[In consultation with the Maryland Department of Health, the] THE~~
7 ~~Commission shall establish a confidential hotline that is available for police officers and~~
8 ~~other law enforcement personnel to contact and speak with a trained peer law enforcement~~
9 ~~officer or a mental health professional who may provide initial counseling advice and~~
10 ~~confidential referral to appropriate services.~~

11 (2) ~~THE COMMISSION SHALL POST ON ITS WEBSITE INFORMATION~~
12 ~~REGARDING THE CONFIDENTIAL HOTLINE ESTABLISHED UNDER THIS SUBSECTION.~~

13 (d) ~~The Commission shall:~~

14 (1) ~~[establish] MAINTAIN a Police Complaint Mediation Program to which~~
15 ~~a law enforcement agency may refer a nonviolent complaint made against a police officer~~
16 ~~out of the standard complaint process;~~

17 (2) ~~refer a complaint referred to the Program to voluntary mediation~~
18 ~~conducted by an independent mediation service; and~~

19 (3) ~~[adopt] MAINTAIN regulations to implement the Program, including~~
20 ~~criteria concerning eligibility for referral of complaints.~~

21 (e) (1) The Commission shall ~~[develop] ANNUALLY REVIEW AND UPDATE AS~~
22 ~~APPROPRIATE best practices for the establishment and implementation of a community~~
23 ~~policing program in each jurisdiction.~~

24 (2) The Commission shall ~~[develop] MAINTAIN a system by which each~~
25 ~~local law enforcement agency annually files a detailed description of the law enforcement~~
26 ~~agency's community policing program.~~

27 (3) ~~The Commission shall annually:~~

28 (i) ~~review each community policing program filed in accordance~~
29 ~~with § 3-517 of this title; and~~

30 (ii) ~~provide each agency with any comments that the Commission~~
31 ~~has to improve the agency's community policing program.~~

32 (f) (1) The Commission shall ~~[develop] MAINTAIN a uniform citizen complaint~~
33 ~~process to be followed by each law enforcement agency.~~

- 1 ~~(2) The uniform complaint process shall:~~
- 2 ~~(i) be simple;~~
- 3 ~~(ii) require that a complainant be informed of the final disposition of~~
4 ~~the complainant's complaint and any discipline imposed as a result; and~~
- 5 ~~(iii) be posted on the websites of the Commission and each law~~
6 ~~enforcement agency.~~
- 7 ~~(g) The Commission shall [develop] MAINTAIN and administer:~~
- 8 ~~(1) a training program on matters relating to police procedures for~~
9 ~~individuals who intend to qualify to participate as a member of a trial board or~~
10 ~~administrative charging committee under Subtitle 1 of this title; and~~
- 11 ~~(2) a training program on matters relating to police training and standards~~
12 ~~for citizens who are appointed to serve as members of the Commission.~~
- 13 ~~(h) The Commission shall distribute the victim's representation notification form~~
14 ~~developed by the Governor's Office of Crime Prevention, Youth, and Victim Services under~~
15 ~~§ 12-206.11 of the Transportation Article to each law enforcement agency in the State.~~
- 16 ~~(i) The Commission, in consultation with the Maryland State's Attorneys'~~
17 ~~Association, shall develop and maintain a uniform, statewide training and certification~~
18 ~~curriculum to ensure use of best practices in investigating compliance with court orders to~~
19 ~~surrender regulated firearms, rifles, and shotguns under § 6-234 of the Criminal Procedure~~
20 ~~Article.~~
- 21 ~~(j) The Commission, in consultation with the Anne Arundel County Police~~
22 ~~Academy, shall develop and maintain a uniform statewide training and certification~~
23 ~~curriculum that includes role playing exercises to ensure the use of best practices in the~~
24 ~~issuance of citations in lieu of arrest.~~
- 25 ~~(k) The Commission shall:~~
- 26 ~~(1) hold law enforcement agencies accountable for violations of the Use of~~
27 ~~Force Statute under § 3-524 of this title; and~~
- 28 ~~(2) work with the Comptroller and the Governor's Office of Crime~~
29 ~~Prevention, Youth, and Victim Services to ensure that State grant funding is withheld from~~
30 ~~a law enforcement agency that violates the Use of Force Statute under § 3-524 of this title.~~
- 31 ~~(l) 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.~~

~~§ 200.~~

~~(a) (1) A LAW ENFORCEMENT AGENCY MAY EMPLOY AN INDIVIDUAL AS A POLICE OFFICER FOR A PERIOD EXCEEDING 1 YEAR ONLY IF THE INDIVIDUAL IS CERTIFIED BY THE COMMISSION.~~

~~(2) A LAW ENFORCEMENT AGENCY MAY EMPLOY AN INDIVIDUAL AS A POLICE OFFICER FOR A PERIOD NOT EXCEEDING 1 YEAR ONLY IF THE INDIVIDUAL IS PROVISIONALLY CERTIFIED BY THE COMMISSION.~~

~~(B) 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 mental health screening by a licensed mental health professional;~~

~~(3) submits to a physical agility assessment as determined by the Commission;~~

~~(4) SUBMITS TO A MEDICAL EVALUATION;~~

~~(5) submits to a criminal history records check in accordance with § 200.1 of this subtitle; and~~

~~[(5)] (6) (i) is a United States citizen; or~~

~~(ii) subject to subsection [(b)] (C) of this section, is a permanent legal resident of the United States and an honorably discharged veteran of the United States~~

1 ~~armed forces, provided that the individual has applied to obtain United States citizenship~~
 2 ~~and the application is still pending approval.~~

3 ~~[(b)] (C) The certification of a police officer who fails to obtain United States~~
 4 ~~citizenship as required by subsection [(a)(4)(ii)] (B)(6)(II) of this section shall be~~
 5 ~~[terminated] REVOKED by the Commission.~~

6 ~~[(e)] (D) The Commission may certify as a police officer an individual who is not~~
 7 ~~considered a police officer under [§ 3-201(f)(3)] § 3-201(G)(3) of this subtitle if the~~
 8 ~~individual meets the selection and training standards of the Commission.~~

9 ~~[(d)] (E) Each [certificate] CERTIFICATION CARD issued to a police officer~~
 10 ~~under this subtitle remains the property of the Commission.~~

11 ~~[(e)] (F) As a condition of certification, a police officer shall submit to a mental~~
 12 ~~health assessment every 2 years and an annual physical agility assessment to establish~~
 13 ~~continuing fitness to carry out the officer's assigned duties as a police officer.~~

14 ~~[(f)] (G) Prior marijuana use is not a disqualifier for certification as a police~~
 15 ~~officer.~~

16 ~~§ 200.1.~~

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

18 (2) ~~"Applicant" means an individual who is seeking certification as a police~~
 19 ~~officer.~~

20 (3) ~~"Central Repository" means the Criminal Justice Information System~~
 21 ~~Central Repository of the Department of Public Safety and Correctional Services.~~

22 (b) ~~An applicant for certification as a police officer shall apply to the Central~~
 23 ~~Repository for a State and national criminal history records check.~~

24 (c) ~~As part of the application for a criminal history records check, an applicant~~
 25 ~~shall submit to the Central Repository:~~

26 (1) ~~a complete set of legible fingerprints [taken on forms] IN A MANNER~~
 27 ~~approved by the Director of the Central Repository and the Director of the Federal Bureau~~
 28 ~~of Investigation[;] AND IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER §~~
 29 ~~10-221 OF THE CRIMINAL PROCEDURE ARTICLE PROVIDING FOR THE~~
 30 ~~ESTABLISHMENT AND COLLECTION OF FEES FOR OBTAINING CRIMINAL HISTORY~~
 31 ~~RECORD INFORMATION.~~

32 (2) ~~the fee authorized under § 10-221(b)(7) of the Criminal Procedure~~
 33 ~~Article for access to Maryland criminal history records; and~~

1 ~~(3) the processing fee required by the Federal Bureau of Investigation for~~
2 ~~a national criminal history records check.]~~

3 ~~(d) In accordance with §§ 10-201 through 10-229 of the Criminal Procedure~~
4 ~~Article, the Central Repository shall forward to the Commission and the applicant a printed~~
5 ~~statement of the applicant's criminal history record information.~~

6 ~~(e) Information obtained from the Central Repository under this section:~~

7 ~~(1) shall be confidential;~~

8 ~~(2) may not be redisseminated; and~~

9 ~~(3) may be used only for the [licensing] CERTIFICATION purpose~~
10 ~~authorized by this title.~~

11 ~~(f) The subject of a criminal history records check under this section may contest~~
12 ~~the contents of the printed statement issued by the Central Repository as provided in §~~
13 ~~10-223 of the Criminal Procedure Article.~~

14 ~~(g) If criminal history record information is reported to the Central Repository~~
15 ~~after the date of the initial criminal history records check, the Central Repository shall~~
16 ~~provide to the Commission a revised statement of the applicant's or certified police officer's~~
17 ~~State criminal history record.~~

18 ~~§ 3-210.~~

19 ~~(a) The certification of a police officer automatically lapses 3 years after the date~~
20 ~~of the previous certification.~~

21 ~~(b) If the certification of a police officer lapses, the police officer may apply for~~
22 ~~recertification immediately.~~

23 ~~(c) The Commission may recertify a police officer after the certification of the~~
24 ~~police officer lapses.]~~

25 ~~§ 3-211.~~

26 ~~(a) **THE CERTIFICATION OF A POLICE OFFICER SHALL LAPSE ON JUNE 30**~~
27 ~~**OF THE CALENDAR YEAR FOLLOWING THE MOST RECENT CERTIFICATION UNLESS**~~
28 ~~**THE OFFICER HAS SATISFIED THE REQUIREMENTS ESTABLISHED UNDER § 3-209 OF**~~
29 ~~**THIS SUBTITLE.**~~

1 ~~(B) If the certification of a police officer is in danger of lapsing or has lapsed~~
2 ~~because of the failure of the police officer to meet the standards of the Commission, the~~
3 ~~police officer may request a hearing before the Commission to present evidence that:~~

4 ~~(1) the police officer's law enforcement agency unreasonably failed to~~
5 ~~provide the police officer with the required training or assigned the police officer to special~~
6 ~~duty that prevented the police officer from completing the required training to achieve this~~
7 ~~certification; and~~

8 ~~(2) this failure is through no fault of the police officer.~~

9 ~~[(b) (1)](C) On request of the police officer for a hearing under this section,~~
10 ~~the Commission shall hold a hearing **WITHIN 90 DAYS OF THE REQUEST.**~~

11 ~~[(2) For purposes of this subsection, the Commission shall follow the~~
12 ~~procedures required for a hearing board under the Law Enforcement Officers' Bill of Rights~~
13 ~~and the police officer is entitled to all of the rights provided under the Law Enforcement~~
14 ~~Officers' Bill of Rights.]~~

15 ~~[(c)](D) If the Commission concludes that the police officer's law enforcement~~
16 ~~agency unreasonably failed to provide the police officer with the required training or~~
17 ~~assigned the police officer to special duty that prevented the police officer from completing~~
18 ~~the required training to achieve certification:~~

19 ~~(1) the Commission shall stay the lapse of the certification until the police~~
20 ~~officer and the police officer's law enforcement agency meet the training requirements of~~
21 ~~the Commission; **AND**~~

22 ~~(2) the police officer shall be retained in the police officer's law enforcement~~
23 ~~agency at full pay pending the completion of the training; and~~

24 ~~(3) the Commission shall order the police officer's law enforcement agency~~
25 ~~to pay all reasonable hearing costs and attorney's fees incurred as a result of the action].~~

26 ~~§ 213.~~

27 ~~The Commission may recall the [certificate] **CERTIFICATION CARD** of a police~~
28 ~~officer if [the certification of the police officer is suspended or revoked for any of the~~
29 ~~following reasons]:~~

30 ~~(1) the [certificate] **CERTIFICATION CARD** was issued by administrative~~
31 ~~error;~~

32 ~~(2) the [certificate] **CERTIFICATION CARD** was obtained through~~
33 ~~misrepresentation or fraud; **OR**~~

1 ~~(3) [the police officer has been convicted of a felony; or~~

2 ~~(4) the police officer has been convicted of a misdemeanor for which a~~
 3 ~~sentence of imprisonment exceeding 1 year may be imposed] **THE CERTIFICATION OF THE**~~
 4 ~~**POLICE OFFICER HAS BEEN SUSPENDED OR REVOKED.**~~

5 ~~§ 214.~~

6 ~~(a) If the certification of a police officer is revoked, the police officer may not apply~~
 7 ~~for recertification until 2 years after the effective date of the revocation order.~~

8 ~~(b) The Commission may recertify an [individual] **APPLICANT FOR**~~
 9 ~~**RECERTIFICATION** as a police officer **NOT EARLIER THAN 2 YEARS** after the [certification~~
 10 ~~of the police officer is revoked] **EFFECTIVE DATE OF THE REVOCATION ORDER.**~~

11 ~~§ 215.~~

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

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

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

18 ~~(4) “Police supervisor” means a police officer who has been promoted to~~
 19 ~~first line supervisory duties.] **“FIRST LINE ADMINISTRATOR” MEANS A POLICE**~~
 20 ~~**OFFICER WHO HAS BEEN APPOINTED TO FIRST LINE ADMINISTRATIVE DUTIES AS**~~
 21 ~~**DEFINED BY THE AGENCY THAT EMPLOYS THE POLICE OFFICER.**~~

22 ~~(3) **“FIRST LINE SUPERVISOR” MEANS A POLICE OFFICER WHO HAS**~~
 23 ~~**BEEN APPOINTED TO FIRST LINE SUPERVISORY DUTIES AS DEFINED BY THE AGENCY**~~
 24 ~~**THAT EMPLOYS THE POLICE OFFICER.**~~

25 ~~(b) An individual may not be given or accept a probationary appointment or~~
 26 ~~permanent appointment as a police officer, [police supervisor, or police administrator]~~
 27 ~~**FIRST LINE SUPERVISOR, OR FIRST LINE ADMINISTRATOR** unless the individual~~
 28 ~~satisfactorily meets the qualifications established by the Commission.~~

29 ~~(c) A probationary appointment as a police officer, [police supervisor, or police~~
 30 ~~administrator] **FIRST LINE SUPERVISOR, OR FIRST LINE ADMINISTRATOR** may be made~~
 31 ~~for a period not exceeding 1 year to enable the individual seeking permanent appointment~~
 32 ~~to take a training course required by this subtitle.~~

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

3 ~~[3-216.~~

4 ~~(a) A law enforcement agency may not employ an individual as a police officer for~~
5 ~~a period not exceeding 1 year unless the individual is certified by the Commission.~~

6 ~~(b) (1) In this subsection, "nonfull-time police officer" means an individual~~
7 ~~who does not work in the law enforcement field at least 7 months during the calendar year.~~

8 ~~(2) The certification requirements of subsection (a) of this section do not~~
9 ~~apply to the nonfull-time police officers of a law enforcement agency that:~~

10 ~~(i) employs, during a calendar year, at least 70 full-time sworn~~
11 ~~police officers; and~~

12 ~~(ii) employs at least 100 nonfull-time police officers.]~~

13 3-104.

14 (d) On completion of an investigation of a complaint [made by] OF POLICE
15 MISCONDUCT INVOLVING a member of the public [against] AND a police officer,
16 REGARDLESS OF WHETHER THE COMPLAINT ORIGINATED FROM WITHIN THE LAW
17 ENFORCEMENT AGENCY OR FROM AN EXTERNAL SOURCE, the law enforcement agency
18 shall forward to the appropriate administrative charging committee the investigatory files
19 for the matter.

20 3-105.

21 (a) The Maryland Police Training and Standards Commission shall develop and
22 adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement
23 agency in the State.

24 (b) Each law enforcement agency shall adopt the uniform State disciplinary
25 matrix FOR ALL MATTERS THAT MAY RESULT IN DISCIPLINE OF A POLICE OFFICER.

26 (c) (1) Within 15 days after an administrative charging committee issues an
27 administrative charge against a police officer, the chief of the law enforcement agency shall
28 offer discipline to the police officer who has been administratively charged in accordance
29 with the disciplinary matrix.

30 (2) The chief may offer the same discipline that was recommended by the
31 administrative charging committee or a higher degree of discipline within the applicable
32 range of the disciplinary matrix, but may not deviate below the discipline recommended by
33 the administrative charging committee.

1 (3) If the police officer accepts the chief's offer of discipline, then the offered
2 discipline shall be imposed.

3 (4) If the police officer does not accept the chief's offer of discipline, then
4 the matter shall be referred to a trial board.

5 (5) At least 30 days before a trial board proceeding begins, the police officer
6 shall be:

7 (i) provided a copy of the investigatory record;

8 (ii) notified of the charges against the police officer; and

9 (iii) notified of the disciplinary action being recommended.

10 3-106.

11 (a) (1) Except as provided in paragraph (2) of this subsection, each law
12 enforcement agency shall establish a trial board process in accordance with this section to
13 adjudicate ALL matters for which a police officer is subject to discipline.

14 (2) A small law enforcement agency may use the trial board process of
15 another law enforcement agency by mutual agreement.

16 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
17 SUBSECTION, A trial board shall be composed of:

18 [(1)] (I) an actively serving or retired administrative law judge or a
19 retired judge of the District Court or a circuit court, appointed by the chief executive officer
20 of the county;

21 [(2)] (II) a civilian who is not a member of an administrative charging
22 committee, appointed by the county's police accountability board; and

23 [(3)] (III) a police officer of equal rank to the police officer who is accused
24 of misconduct appointed by the head of the law enforcement agency.

25 (2) (I) THIS PARAGRAPH MAY NOT BE CONSTRUED TO APPLY TO
26 THE BALTIMORE POLICE DEPARTMENT.

27 (II) A TRIAL BOARD FOR A STATEWIDE OR BI-COUNTY LAW
28 ENFORCEMENT AGENCY SHALL BE COMPOSED OF:

1 1. AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE
2 LAW JUDGE APPOINTED BY THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE
3 MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS;

4 2. A CIVILIAN WHO IS NOT A MEMBER OF AN
5 ADMINISTRATIVE CHARGING COMMITTEE OR THE MARYLAND POLICE TRAINING
6 AND STANDARDS COMMISSION, APPOINTED BY THE POLICE ACCOUNTABILITY
7 BOARD FOR THE COUNTY WHERE THE ALLEGED MISCONDUCT OCCURRED; AND

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

11 (c) THE ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE OR
12 THE RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT SHALL:

13 (I) BE THE CHAIR OF THE TRIAL BOARD;

14 (II) BE RESPONSIBLE FOR RULING ON ALL MOTIONS BEFORE THE
15 TRIAL BOARD; AND

16 (III) PREPARE THE WRITTEN DECISION OF THE TRIAL BOARD,
17 INCLUDING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE TRIAL
18 BOARD.

19 (D) Before serving as a member of a trial board, an individual shall receive
20 training on matters relating to police procedures from the Maryland Police Training and
21 Standards Commission.

22 ~~[(d)]~~ (E) Proceedings of a trial board shall be open to the public, except to protect:

23 (1) a victim's identity;

24 (2) the personal privacy of an individual;

25 (3) a child witness;

26 (4) medical records;

27 (5) the identity of a confidential source;

28 (6) an investigative technique or procedure; or

29 (7) the life or physical safety of an individual.

1 [(e)] (F) A trial board may administer oaths and issue subpoenas as necessary
 2 to complete its work.

3 [(f)] (G) A complainant has the right to be notified of a trial board hearing and,
 4 except as provided in subsection [(d)] (E) of this section, the right to attend a trial board
 5 hearing.

6 [(g)] (H) Except as otherwise provided in this subtitle, a law enforcement agency
 7 has the burden of proof by a preponderance of the evidence in any proceeding under this
 8 subtitle.

9 [(h)] (I) A police officer may be disciplined only for cause.

10 (J) WITHIN 45 DAYS AFTER THE FINAL HEARING BY A TRIAL BOARD, THE
 11 TRIAL BOARD SHALL ISSUE A WRITTEN DECISION REFLECTING THE FINDINGS,
 12 CONCLUSIONS, AND RECOMMENDATIONS OF A MAJORITY OF THE TRIAL BOARD.

13 [(i)] (K) (1) Within 30 days after the date of issuance of a decision of a trial
 14 board, the decision may be appealed by the [employee] POLICE OFFICER:

15 (i) if the trial board is from a local law enforcement agency, to the
 16 circuit court of the county in which the law enforcement agency is located; [and]

17 (ii) IF THE TRIAL BOARD IS FROM A BI-COUNTY LAW
 18 ENFORCEMENT AGENCY, TO A CIRCUIT COURT IN A COUNTY IN WHICH THE INCIDENT
 19 THAT GAVE RISE TO THE DISCIPLINARY PROCEEDING OCCURRED; AND

20 (III) if the trial board is from a statewide [or bi-county] law
 21 enforcement agency, to the Circuit Court for Anne Arundel County.

22 (2) An appeal taken under this subsection shall be on the record.

23 [(j)] (L) A trial board decision [that is not appealed] is final UNLESS
 24 APPEALED BY A POLICE OFFICER UNDER SUBSECTION (K) OF THIS SECTION.

25 3-111.

26 (A) A law enforcement agency may not negate or alter any of the requirements of
 27 this subtitle through collective bargaining.

28 (B) COLLECTIVE BARGAINING MAY NOT BE USED TO ESTABLISH OR ALTER
 29 ANY ASPECT OF THE PROCESS FOR DISCIPLINING A POLICE OFFICER.

30 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~
 31 ~~1, 2022, the effective date of Chapter 59 of the Acts of the General Assembly of 2021. If the~~

1 ~~effective date of Chapter 59 is amended, this Act shall take effect on the taking effect of~~
 2 ~~Chapter 59.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 4 as follows:

5 Chapter 59 of the Acts of 2021

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

9 (1) any bona fide collective bargaining agreement entered into on or before
 10 [June 30, 2022.] SEPTEMBER 30, 2022, for the duration of the contract term, excluding
 11 any extensions, options to extend, or renewals of the term of the original contract; or

12 (2) a disciplinary matter against a law enforcement officer based on alleged
 13 misconduct occurring before [July 1, 2022] OCTOBER 1, 2022.

14 SECTION 12. AND BE IT FURTHER ENACTED, THAT SECTION 3 OF THIS
 15 ACT SHALL TAKE EFFECT OCTOBER 1, 2022.

16 SECTION [12.] 13. AND BE IT FURTHER ENACTED, That, except as provided in
 17 [Section] SECTIONS 11 AND 12 of this Act, this Act shall take effect July 1, 2022.

18 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
 19 effect October 1, 2022, contingent on the taking effect of Section 3 of Chapter 59 of the Acts
 20 of the General Assembly of 2021, and if Section 3 of Chapter 59 does not take effect, Section
 21 1 of this Act, with no further action required by the General Assembly, shall be null and
 22 void.

23 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
 24 3 of this Act, this Act shall take effect June 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.