SENATE BILL 752

By: Senator Jackson
Introduced and read first time: February 7, 2022
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning
Public Safety – Use of Force Incident Reports

FOR the purpose of altering a reporting requirement applicable to a law enforcement officer or police officer involved in a use of force incident in the line of duty; requiring a local law enforcement agency to publish certain information on its public website; and generally relating to use of force incident reports.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–514
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–514
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)
(As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

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

Article – Public Safety

3–514.

(A) (1) Each law enforcement agency shall require a law enforcement 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.
(2) The incident report shall include:

(I) The type of encounter;

(II) The type of force used;

(III) The location at which force was used;

(IV) The law enforcement officer’s justification for the use of force;

(V) Whether the individual against whom force was used was arrested;

(VI) What charges the individual against whom force was used was arrested for, if any;

(VII) Whether the individual against whom force was used requested medical care;

(VIII) Whether the law enforcement officer requested medical care; and

(IX) The demographic information about any law enforcement officer involved in and individuals subject to the use of force, including:

1. Race;

2. Ethnicity;

3. Gender;

4. Age; and

5. Disability.

(B) (1) On or before July 1, 2024, and annually thereafter, each local law enforcement agency shall publish on its public website the aggregate data of police officers’ use of force reported under subsection (a) of this section.
(2) On or before January 1, 2023, and every 3 months thereafter, each local law enforcement agency shall publish on its public website the total number of use of force incidents reported under subsection (A) of this section for the preceding 3 months in which the local law enforcement agency determined that:

(I) the use of force was consistent with its policies and applicable laws; and

(II) the use of force was not consistent with its policies and applicable laws.

Section 2. And be it further enacted, That the Laws of Maryland read as follows:

Article – Public Safety

3–514.

(a) (1) Each law enforcement agency shall require a 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.

(2) The incident report shall include:

(I) the type of encounter;

(II) the type of force used;

(III) the location at which force was used;

(IV) the law enforcement officer’s justification for use of force;

(V) whether the individual against whom force was used was arrested;

(VI) what charges the individual against whom force was used was arrested for, if any;

(VII) whether the individual against whom force was used requested medical care;
(VIII) WHETHER THE LAW ENFORCEMENT OFFICER REQUESTED MEDICAL CARE; AND

(IX) THE DEMOGRAPHIC INFORMATION ABOUT ANY LAW ENFORCEMENT OFFICER INVOLVED IN AND INDIVIDUALS SUBJECT TO THE USE OF FORCE, INCLUDING:

1. RACE

2. ETHNICITY;

3. GENDER;

4. AGE; AND

5. DISABILITY.

(b) (1) On or before July 1, 2024, and annually thereafter, each local law enforcement agency shall publish on its public website the aggregate data of police officers’ use of force reported under subsection (A) of this section.

(2) On or before January 1, 2023, and every 3 months thereafter, each local law enforcement agency shall publish on its public website the total number of use of force incidents reported under subsection (A) of this section for the preceding 3 months in which the local law enforcement agency determined that:

(I) THE USE OF FORCE WAS CONSISTENT WITH ITS POLICIES AND APPLICABLE LAWS; AND

(II) THE USE OF FORCE WAS NOT CONSISTENT WITH ITS POLICIES AND APPLICABLE LAWS.

[(1)] (3) 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)] (4) 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)] (3) of this subsection.

[(3) (5)] If a law enforcement agency has not submitted the report required under paragraph [(1)] (3) 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.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2022. It shall remain effective until the taking effect of Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2022 the effective date of Chapter 59 of the Acts of the General Assembly of 2021. If the effective date of Chapter 59 is amended, Section 2 of this Act shall take effect on the taking effect of Chapter 59.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 3 and 4 of this Act, this Act shall take effect July 1, 2022.