

SENATE BILL 763

E2

(2lr3172)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Sydnor**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Collection Public Safety and Criminal Procedure—Collection, Reporting, and~~
3 ~~Publication of Criminal Case and Prosecutorial Information~~
4 ~~(Maryland Criminal Justice Data Transparency Act)~~
5 Public Safety and Criminal Justice – Transparency and Accountability

6 FOR the purpose of requiring the Division of Parole and Probation to report certain
7 information annually to the General Assembly; ~~establishing requirements for the~~
8 ~~collection and dissemination of certain information relating to the Office of the~~
9 ~~State’s Attorney in each county and Baltimore City, coordinated in a certain manner~~
10 ~~by the Administrative Office of the Courts and the State Commission on Criminal~~
11 ~~Sentencing Policy; altering the definition of student data to allow certain records to~~
12 ~~be shared with the Maryland Longitudinal Data System Center; establishing the~~
13 ~~Task Force to Study Criminal Justice Data Transparency; and generally relating to~~
14 ~~the Office of the State’s Attorney and the collection and publication of information~~
15 ~~transparency of criminal justice data~~ requiring a certain annual report by the State

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.



Commission on Criminal Sentencing Policy to identify certain information for crimes of violence; requiring the Commission to include certain information in a data dashboard on its public website; altering the definition of student data to allow certain records to be shared with the Maryland Longitudinal Data System Center; specifying that a certain disciplinary matrix applies to all complaints of police misconduct; specifying that the purpose of a certain trial board process is to adjudicate all internal and external matters for which a police officer is subject to discipline; establishing the composition of a trial board for a statewide or bi-county law enforcement agency; prohibiting the use of collective bargaining to establish or alter a process for investigation and disposition of certain complaints; altering the process for appealing certain disciplinary matters; renaming the Independent Investigative Unit in the Office of the Attorney General to be the Independent Investigations Division; authorizing the Attorney General or certain individuals designated by the Attorney General to seek certain injunctive relief or issue a certain subpoena under certain circumstances; establishing the Task Force to Study Transparency Standards for State's Attorneys; and generally relating to transparency and accountability in public safety and criminal justice.

BY adding to

Article – Correctional Services
Section 6–122
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

~~BY adding to~~

~~Article – Criminal Procedure~~
~~Section 15–501 through 15–506 15–504 to be under the new subtitle “Subtitle 5– State’s Attorney’s Criminal Case and Prosecutorial Data Collection”~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Education~~
~~Section 24–701(a) and 24–703(a) and (f)(1)~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~
~~Section 24–701(f)~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, without amendments,

Article – Criminal Procedure
Section 6–201
Annotated Code of Maryland

1 (2018 Replacement Volume and 2021 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Criminal Procedure
4 Section 6–209
5 Annotated Code of Maryland
6 (2018 Replacement Volume and 2021 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Education
9 Section 24–701(a) and 24–703(a) and (f)(1)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 24–701(l)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 3–104(d), 3–105, 3–106, and 3–111
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2021 Supplement)
22 (As enacted by Section 3 of Chapter 59 of the Acts of the General Assembly of 2021)

23 BY repealing and reenacting, with amendments,
24 Article – Public Safety
25 Section 3–527
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2021 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – State Government
30 Section 6–106.2 to be under the new subtitle “Subtitle 6. Independent Investigations
31 Division”
32 Annotated Code of Maryland
33 (2021 Replacement Volume)

34 BY adding to
35 Article – State Government
36 Section 6–601 and 6–603
37 Annotated Code of Maryland
38 (2021 Replacement Volume)

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

Article – Correctional Services

6–122.

ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER,
THE DIVISION SHALL REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE
GOVERNMENT ARTICLE, TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE
AND THE HOUSE JUDICIARY COMMITTEE ON:

(1) MEASURES IT WILL TAKE TO IMPROVE OVERSIGHT OF OFFENDERS
UNDER THE SUPERVISION OF THE DIVISION WHO ARE INVOLVED IN HOMICIDES; AND

(2) THE NUMBER OF OFFENDERS SUPERVISED BY THE DIVISION THAT
WERE SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH HOMICIDE,
NONFATAL SHOOTING, RAPE, POLICE-INVOLVED SHOOTING, OR ANY CRIME
INVOLVING THE OFFENDER’S USE OF A FIREARM.

Article – Criminal Procedure

~~SUBTITLE 5. STATE’S ATTORNEY’S CRIMINAL CASE AND PROSECUTORIAL DATA
COLLECTION.~~

~~15–501.~~

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

~~(B) “CASE NUMBER” MEANS THE UNIQUE NUMBER ASSIGNED TO A
CRIMINAL CASE ASSOCIATED WITH A PARTICULAR CRIMINAL CHARGE.~~

~~(C) “CHARGE” MEANS AN ACCUSATION OF A CRIME BY A STATE’S ATTORNEY
INITIATED BY A TICKET, A COMPLAINT, OR ANY OTHER CHARGING DOCUMENT A
GUIDELINES ELIGIBLE CONVICTION CAPTURED BY THE AUTOMATED GUIDELINES
SYSTEM.~~

~~(D) “CHARGE DESCRIPTION” MEANS:~~

~~(1) THE NAME OF THE CHARGE AS PROVIDED BY LAW;~~

~~(2) A STATEMENT OF THE CRIMINAL PROVISION THAT IS ALLEGED TO
HAVE BEEN VIOLATED;~~

1 ~~(3) THE ASSOCIATED STATUTORY SECTION ESTABLISHING THE~~
2 ~~ALLEGED CONDUCT AS CRIMINAL; AND~~

3 ~~(4) THE CLASSIFICATION OF THE CRIME.~~

4 ~~(E) "CHARGE IDENTIFICATION" MEANS THE UNIQUE IDENTIFICATION~~
5 ~~NUMBER ASSIGNED TO THE CHARGE.~~

6 ~~(F) (D) "CHARGE MODIFIER MODIFICATION" MEANS AN AGGRAVATING~~
7 ~~OR MITIGATING CIRCUMSTANCE OF AN ALLEGED CHARGE THAT ENHANCES,~~
8 ~~REDUCES, OR RECLASSIFIES THE ALLEGED CHARGE TO A DIFFERENT~~
9 ~~CLASSIFICATION GRADE OR LEVEL. THE ENHANCEMENT, REDUCTION, OR~~
10 ~~RECLASSIFICATION OF A CHARGE TO A DIFFERENT CLASSIFICATION GRADE OR~~
11 ~~LEVEL DUE TO AGGRAVATING OR MITIGATING CIRCUMSTANCES.~~

12 ~~(G) (E) (C) "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL~~
13 ~~SENTENCING POLICY.~~

14 ~~(H) "DISPOSITION" MEANS THE CONCLUSION OF THE PROSECUTION OF A~~
15 ~~CHARGE, INCLUDING:~~

16 ~~(1) NOLLE PROSEQUI;~~

17 ~~(2) DIVERSION;~~

18 ~~(3) DISMISSAL;~~

19 ~~(4) DISMISSAL AS PART OF A PLEA BARGAIN;~~

20 ~~(5) CONVICTION AS PART OF A PLEA BARGAIN;~~

21 ~~(6) CONVICTION AT TRIAL; AND~~

22 ~~(7) ACQUITTAL.~~

23 ~~(I) "INITIATION" MEANS THE CREATION OR INSTITUTION OF A CHARGE~~
24 ~~AGAINST A CRIMINAL DEFENDANT, WHETHER BY POLICE, PROSECUTORS, GRAND~~
25 ~~JURY, OR OTHER ENTITY.~~

26 ~~(J) (1) "POLICY" MEANS FORMAL, WRITTEN GUIDANCE FOR EMPLOYEES~~
27 ~~OF A STATE'S ATTORNEY.~~

28 ~~(2) "POLICY" INCLUDES:~~

- 1 ~~(I) A PROCEDURE;~~
 2 ~~(II) A GUIDELINE;~~
 3 ~~(III) A MANUAL;~~
 4 ~~(IV) TRAINING MATERIAL;~~
 5 ~~(V) A DIRECTION;~~
 6 ~~(VI) AN INSTRUCTION; OR~~
 7 ~~(VII) ANY OTHER PIECE OF INFORMATION.~~

8 ~~(3) "POLICY" DOES NOT INCLUDE:~~

- 9 ~~(I) ATTORNEY WORK PRODUCT; OR~~
 10 ~~(II) INFORMATIONAL LEGAL OR PROCEDURAL ADVICE OR~~
 11 ~~GUIDANCE OFFERED AMONG ATTORNEYS WITHIN AN OFFICE OF A STATE'S~~
 12 ~~ATTORNEY.~~

13 ~~(K) (F) (D) "STATE'S ATTORNEY" MEANS THE OFFICE OF THE STATE'S~~
 14 ~~ATTORNEY IN EACH COUNTY IN THE STATE AND BALTIMORE CITY.~~

15 ~~(L) "UNIQUE IDENTIFIER" MEANS A RANDOMLY GENERATED NUMBER THAT~~
 16 ~~IS ASSIGNED IN PLACE OF A DEFENDANT'S NAME.~~

17 ~~15-502.~~

18 ~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AND IN~~
 19 ~~ACCORDANCE WITH § 15-505 15-503 OF THIS SUBTITLE AND OTHER LOCAL AND~~
 20 ~~STATE LAW, THE ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION, WITH~~
 21 ~~THE COOPERATION OF EACH STATE'S ATTORNEY, SHALL COLLECT AND DISCLOSE~~
 22 ~~THE FOLLOWING INFORMATION FOR EACH CASE PROSECUTED IN THE CIRCUIT~~
 23 ~~COURT:~~

- 24 ~~(1) THE CASE NUMBER;~~
 25 ~~(2) THE INDICTMENT NUMBER;~~
 26 ~~(3) THE DOCKET NUMBER;~~
 27 ~~(4) THE UNIQUE IDENTIFIER;~~

1 ~~(5) (2) THE DEFENDANT'S:~~

2 ~~(I) RACE; AND~~

3 ~~(II) GENDER; AND~~

4 ~~(III) DISABILITY STATUS, IF ANY, AND THE SOURCE OF THE~~
5 ~~DISABILITY STATUS;~~

6 ~~(6) THE INCIDENT DATE;~~

7 ~~(7) (3) THE ARREST DATE DATE OF THE OFFENSE;~~

8 ~~(8) THE DISTRICT OR NEIGHBORHOOD OF ARREST;~~

9 ~~(9) THE PRIMARY ARRESTING AGENCY;~~

10 ~~(10) OTHER AGENCIES INVOLVED IN THE ARREST, IF ANY;~~

11 ~~(11) THE CHARGES LISTED ON THE ARRESTING AGENCY'S~~
12 ~~PAPERWORK;~~

13 ~~(12) IF APPLICABLE, THE REASON THE STATE'S ATTORNEY DECLINED~~
14 ~~TO PROSECUTE THE ARREST;~~

15 ~~(13) (4) THE CHARGES BROUGHT BY THE STATE'S ATTORNEY;~~
16 ~~ATTORNEY THAT RESULTED IN CONVICTIONS;~~

17 ~~(14) THE PROSECUTOR WHO BROUGHT THE CHARGE;~~

18 ~~(15) (5) WHETHER THE DEFENDANT WAS DETERMINED ELIGIBLE~~
19 ~~FOR COURT APPOINTED COUNSEL, AND THE PROCEEDING WHERE THE~~
20 ~~DETERMINATION WAS MADE REPRESENTED BY PRIVATE COUNSEL, A PUBLIC~~
21 ~~DEFENDER, OR COURT APPOINTED COUNSEL OR PROCEEDED PRO SE;~~

22 ~~(16) THE ARRAIGNMENT DATE;~~

23 ~~(17) THE CHARGE MODIFICATION DATE;~~

24 ~~(18) (6) WHETHER DIVERSION WAS, PROBLEM SOLVING COURT, OR~~
25 ~~AN ALTERNATIVE SENTENCING PROGRAM WERE OFFERED AND, IF SO:~~

26 ~~(I) THE DATE DIVERSION WAS OFFERED;~~

1 ~~(H) IF STATED ON THE RECORD, THE JUDICIAL POSITION ON~~
2 ~~DIVERSION; AND~~

3 ~~(H) THE DIVERSION TERMS, INCLUDING HOW MUCH THE~~
4 ~~DEFENDANT MUST PAY;~~

5 ~~(19) (7) WHETHER THE ANY CHARGE THAT RESULTED IN A~~
6 ~~CONVICTION CARRIES A MANDATORY MINIMUM SENTENCE;~~

7 ~~(20) THE PROSECUTOR'S RECOMMENDATION ON BAIL OR BOND,~~
8 ~~INCLUDING RELEASE CONDITIONS;~~

9 ~~(21) WHETHER BAIL OR BOND WAS IMPOSED ON THE DEFENDANT;~~

10 ~~(22) WHETHER BOND WAS SECURED, UNSECURED, OR OTHER TYPE;~~

11 ~~(23) THE DATE BAIL OR BOND WAS IMPOSED;~~

12 ~~(24) IF ORDERED, RELEASE CONDITIONS;~~

13 ~~(25) THE DATE RANGE OF ANY PRETRIAL DETENTION;~~

14 ~~(26) INFORMATION ON WHETHER A RISK ASSESSMENT OR OTHER~~
15 ~~ALGORITHM-BASED OR QUANTITATIVE TOOL WAS USED IN DETERMINING WHETHER~~
16 ~~PRETRIAL DETENTION WAS ORDERED OR THE AMOUNT OF BAIL OR BOND AND, IF~~
17 ~~USED;~~

18 ~~(I) THE NAME OF THE OFFICE OR AGENCY THAT CONDUCTED~~
19 ~~THE RISK ASSESSMENT; AND~~

20 ~~(H) THE NAME OF ANY OFFICE, AGENCY, INDIVIDUAL, OR~~
21 ~~ATTORNEY THAT RECEIVED THE RISK ASSESSMENT RESULTS;~~

22 ~~(27) INFORMATION ON WHETHER A STATUTORY OR CONSTITUTIONAL~~
23 ~~RIGHT OF THE DEFENDANT WAS WAIVED, EITHER BY STIPULATION OR ON THE~~
24 ~~RECORD, INCLUDING:~~

25 ~~(I) THE DATE OF THE WAIVER;~~

26 ~~(H) THE RIGHT WAIVED; AND~~

27 ~~(H) WHETHER THE RIGHT WAS WAIVED AS A CONDITION OF A~~
28 ~~PLEA BARGAIN;~~

- 1 ~~(28) WHETHER A PLEA WAS OFFERED;~~
- 2 ~~(29) WHETHER A TIME LIMIT WAS PROVIDED WITH A PLEA OFFER;~~
- 3 ~~(30) ALL TERMS OF ALL PLEAS OFFERED, INCLUDING:~~
- 4 ~~(I) THE CHARGES DISMISSED;~~
- 5 ~~(II) THE SENTENCE RANGES FOR THE CHARGES DISMISSED;~~
- 6 ~~(III) THE CHARGES IN THE PLEA;~~
- 7 ~~(IV) THE SENTENCE RANGES FOR THE CHARGES IN THE PLEA;~~
- 8 ~~(V) ANY CHARGES COVERED BY THE PLEA BUT NOT PART OF~~
9 ~~THE CONVICTION; AND~~
- 10 ~~(VI) THE PENALTIES OR SENTENCE OFFERED FOR TAKING THE~~
11 ~~PLEA;~~
- 12 ~~(31) WHETHER THE PLEA WAS ACCEPTED OR REJECTED;~~
- 13 ~~(32) WHETHER DISCOVERY WAS OFFERED TO THE DEFENDANT BEFORE~~
14 ~~THE PLEA;~~
- 15 ~~(33) THE DATE DISCOVERY WAS DISCLOSED TO THE DEFENSE OR~~
16 ~~DEFENDANT;~~
- 17 ~~(34) THE PRESIDING JUDGE AT THE PRETRIAL STAGE;~~
- 18 ~~(35) (8) THE DISPOSITION, INCLUDING; AND~~
- 19 ~~(I) THE CASE OR CHARGES DISMISSED BY THE STATE'S~~
20 ~~ATTORNEY, IF ANY;~~
- 21 ~~(II) IF DISMISSED, THE REASON FOR DISMISSAL;~~
- 22 ~~(III) IF CONVICTED, WHETHER BY PLEA, JURY TRIAL, OR BENCH~~
23 ~~TRIAL; AND~~
- 24 ~~(IV) IF THE CASE WAS DISMISSED BY A JUDGE, THE REASON FOR~~
25 ~~DISMISSAL;~~
- 26 ~~(36) THE PRESIDING JUDGE AT THE DISPOSITION;~~

1 ~~(37) THE DISPOSITION DATE;~~

2 ~~(38) THE SENTENCE TYPE;~~

3 ~~(39) (9) THE SENTENCE LENGTH;~~

4 ~~(40) THE PRESIDING JUDGE AT SENTENCING;~~

5 ~~(41) SUPERVISION TERMS;~~

6 ~~(42) SERVICES REQUIRED OR PROVIDED, IF ANY;~~

7 ~~(43) FINES, FEES, OR SURCHARGES REQUIRED, IF ANY; AND~~

8 ~~(44) FORFEITURE OF PROPERTY REQUIRED, IF ANY.~~

9 ~~(B) INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION~~
10 ~~MAY NOT INCLUDE ANY IDENTIFIABLE INFORMATION RELATING TO A WITNESS.~~

11 ~~(C) EACH STATE'S ATTORNEY SHALL COOPERATE WITH THE~~
12 ~~ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION TO PROVIDE ANY DATA~~
13 ~~NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

14 ~~(D) THE ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION SHALL~~
15 ~~RECORD AND MAINTAIN THE INFORMATION COLLECTED IN ACCORDANCE WITH THIS~~
16 ~~SECTION FOR AT LEAST 10 YEARS.~~

17 ~~15-503.~~

18 ~~(A) EACH STATE'S ATTORNEY SHALL COLLECT AND PUBLISH ON THE~~
19 ~~WEBSITE FOR EACH OFFICE IN ACCORDANCE WITH § 15-504 OF THIS SUBTITLE:~~

20 ~~(1) ALL OFFICE POLICIES RELATED TO:~~

21 ~~(I) CHARGING AND CHARGE DISMISSAL;~~

22 ~~(II) BAIL;~~

23 ~~(III) SENTENCING;~~

24 ~~(IV) PLEA BARGAINS;~~

25 ~~(V) GRAND JURY PRACTICES;~~

26 ~~(VI) DISCOVERY PRACTICES;~~

1 ~~(VII) WITNESS TREATMENT, INCLUDING WHEN AND HOW TO~~
2 ~~PROCURE A MATERIAL WITNESS WARRANT;~~

3 ~~(VIII) HOW A DECISION IS MADE TO PROSECUTE A MINOR AS AN~~
4 ~~ADULT;~~

5 ~~(IX) HOW FINES AND FEES ARE ASSESSED;~~

6 ~~(X) CRIMINAL AND CIVIL FORFEITURE PRACTICES;~~

7 ~~(XI) MENTAL HEALTH SCREENING AND COLLECTION OF MENTAL~~
8 ~~HEALTH HISTORY;~~

9 ~~(XII) SUBSTANCE ABUSE SCREENING AND COLLECTION OF~~
10 ~~SUBSTANCE ABUSE HISTORY;~~

11 ~~(XIII) DOMESTIC VIOLENCE SURVIVORS;~~

12 ~~(XIV) DIVERSION PRACTICES AND POLICIES;~~

13 ~~(XV) HUMAN RESOURCES, INCLUDING:~~

14 ~~1. HIRING;~~

15 ~~2. EVALUATING;~~

16 ~~3. PROMOTING; AND~~

17 ~~4. ROTATION AMONG DIVISIONS OR UNITS;~~

18 ~~(XVI) INTERNAL DISCIPLINE POLICIES AND PROCEDURES;~~

19 ~~(XVII) VICTIM SERVICES;~~

20 ~~(XVIII) RESTORATIVE JUSTICE PROGRAMS;~~

21 ~~(XIX) A LISTING OF OFFICE TRAININGS IN THE IMMEDIATELY~~
22 ~~PRECEDING CALENDAR YEAR;~~

23 ~~(XX) PRACTICES INVOLVING TRACKING AND RESPONDING TO AN~~
24 ~~INMATE APPLICATION FOR PAROLE AND RESENTENCING; AND~~

25 ~~(XXI) POLICIES SPECIFIC TO VULNERABLE POPULATIONS; AND~~

~~(2) THE NUMBER OF:~~

~~(I) ATTORNEYS ON STAFF;~~

~~(II) CASES HANDLED EACH YEAR FOR EACH ATTORNEY;~~

~~(III) ATTORNEYS WHO WORKED IN THE OFFICE IN A TEMPORARY OR CONTRACTUAL CAPACITY DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

~~(IV) PARALEGALS AND ADMINISTRATIVE STAFF EMPLOYED BY THE OFFICE;~~

~~(V) INVESTIGATORS UTILIZED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

~~(VI) EXPERTS UTILIZED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR WHETHER ON STAFF OR OTHERWISE EMPLOYED; AND~~

~~(VII) POLICE OR DETECTIVES WHO WORK DIRECTLY FOR THE OFFICE.~~

~~(B) IF A STATE'S ATTORNEY DOES NOT MAINTAIN A POLICY RELATED TO THE TOPICS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION, THE STATE'S ATTORNEY SHALL AFFIRMATIVELY DISCLOSE THAT FACT.~~

~~15-504.~~

~~(A) BEGINNING APRIL 1, 2023, EACH STATE'S ATTORNEY SHALL MAKE PUBLICLY AVAILABLE ALL THE INFORMATION DESCRIBED IN § 15-503 OF THIS SUBTITLE BY:~~

~~(1) PUBLISHING THE INFORMATION ON THE STATE'S ATTORNEY'S WEBSITE; AND~~

~~(2) PROVIDING THE INFORMATION TO ANY PERSON WHO REQUESTS THE INFORMATION DIRECTLY FROM THE STATE'S ATTORNEY.~~

~~(B) THE STATE'S ATTORNEY SHALL INCLUDE IN THE INFORMATION COLLECTED UNDER § 15-503 OF THIS SUBTITLE:~~

~~(1) THE EFFECTIVE DATE OF THE POLICY; OR~~

~~(2) THE DATE THE INFORMATION WAS GATHERED.~~

~~(C) EACH STATE'S ATTORNEY SHALL PUBLISH REVISED, UPDATED, OR NEWLY DRAFTED POLICIES OR NEWLY COLLECTED INFORMATION ON A TIMELY BASIS AT LEAST ONCE EACH YEAR.~~

~~15-505.~~

~~(A) (1) THE COMMISSION, IN COORDINATION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL:~~

~~(I) DETERMINE THE MANNER IN WHICH THE ADMINISTRATIVE OFFICE OF THE COURTS PROVIDES TO THE COMMISSION THE INFORMATION COLLECTED UNDER § 15-502 OF THIS SUBTITLE;~~

~~(II) ENSURE THAT DISCLOSURE OF INFORMATION UNDER THIS SUBTITLE IS PERFORMED IN A UNIFORM AND CONSISTENT MANNER; AND~~

~~(III) DETERMINE AN IMPLEMENTATION SCHEDULE AND PLAN BY WHICH THE ADMINISTRATIVE OFFICE OF THE COURTS WILL DISCLOSE INFORMATION COLLECTED UNDER § 15-502 OF THIS SUBTITLE ON OR BEFORE OCTOBER 1, 2025.~~

~~(2) THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:~~

~~(I) INCLUDE IMPLEMENTATION ON A ROLLING BASIS THAT STARTS BY PRIORITIZING A SUBSET OF THE DATA COLLECTED UNDER § 15-502 OF THIS SUBTITLE; OR~~

~~(II) PRIORITIZE DISCLOSURE OF SPECIFIC INFORMATION FROM LARGER STATE'S ATTORNEY OFFICES.~~

~~(B) (1) ON OR BEFORE OCTOBER 1, 2023, AND IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL BEGIN DISCLOSING DATA, STRIPPED OF ANY INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION ABOUT ANY PERSON ARRESTED OR PROSECUTED, TO THE COMMISSION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

~~(2) ON OR BEFORE JANUARY 31, 2024, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL COMPLETE THE REQUIRED DISCLOSURE OF DATA UNDER THIS SUBSECTION.~~

~~15-503.~~

1 ~~(C)(A) (1) ON OR BEFORE MAY 1, 2024 2025, AND EACH MAY 1~~
2 ~~THEREAFTER, THE COMMISSION SHALL PUBLISH ONLINE THE DATA COLLECTED~~
3 ~~UNDER § 15-502 OF THIS SUBTITLE IN A MODERN, OPEN, ELECTRONIC FORMAT~~
4 ~~THAT IS MACHINE-READABLE, MACHINE-SEARCHABLE, AND READILY ACCESSIBLE~~
5 ~~TO THE PUBLIC ON THE COMMISSION'S WEBSITE.~~

6 ~~(2)(B) DATA PUBLISHED IN ACCORDANCE WITH THIS SUBSECTION~~
7 ~~MAY NOT CONTAIN INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION~~
8 ~~ABOUT ANY PERSON ARRESTED OR PROSECUTED.~~

9 ~~(D) ON OR BEFORE SEPTEMBER 1, 2024, THE COMMISSION SHALL REPORT~~
10 ~~ON THE DATA RECEIVED FROM THE ADMINISTRATIVE OFFICE OF THE COURTS,~~
11 ~~COMPARING AND CONTRASTING THE PRACTICES AND TRENDS AMONG~~
12 ~~JURISDICTIONS.~~

13 ~~(E) (1) THE COMMISSION SHALL, AT LEAST TWICE PER YEAR, PUBLISH~~
14 ~~ISSUE-SPECIFIC REPORTS THAT PROVIDE IN-DEPTH ANALYSIS OF ONE OR MORE~~
15 ~~AREAS OF PROSECUTORIAL DECISION MAKING.~~

16 ~~(2) AT LEAST ONE REPORT UNDER THIS SUBSECTION SHALL FOCUS~~
17 ~~ON RACIAL DISPARITIES.~~

18 ~~15-506. 15-504.~~

19 ~~(A) (1) IN ORDER TO COMPLY WITH A REQUEST MADE UNDER THE~~
20 ~~MARYLAND PUBLIC INFORMATION ACT, A STATE'S ATTORNEY MAY SATISFY A~~
21 ~~REQUEST FOR INFORMATION GATHERED AS REQUIRED UNDER THIS SUBTITLE BY~~
22 ~~REFERRING THE REQUESTING PARTY TO THE COMMISSION WEBSITE CONTAINING~~
23 ~~THE DATA IF THE STATE'S ATTORNEY:~~

24 ~~(I) IS IN COMPLIANCE WITH THIS SUBTITLE; AND~~

25 ~~(II) IN GOOD FAITH, REASONABLY BELIEVES THAT THE~~
26 ~~REQUEST FOR INFORMATION CAN BE SATISFIED BY REFERENCE TO THE DATA MADE~~
27 ~~PUBLICLY AVAILABLE UNDER THIS SUBTITLE.~~

28 ~~(2) IF AN INFORMATION REQUEST IS ABLE TO BE SATISFIED IN~~
29 ~~ACCORDANCE WITH THIS SUBSECTION, THE STATE'S ATTORNEY MAY FULFILL THE~~
30 ~~REQUEST WITHOUT AFFIRMATIVELY COLLECTING OR DISCLOSING THE PARTICULAR~~
31 ~~INFORMATION BEING REQUESTED.~~

~~(B) THE REQUESTING PARTY MAY SEEK JUDICIAL REVIEW IN ACCORDANCE WITH § 4-362 OF THE GENERAL PROVISIONS ARTICLE FOR PURPOSES OF COMPELLING DISCLOSURE IF:~~

~~(1) THE REQUESTING PARTY DOES NOT BELIEVE THAT THE REQUEST CAN BE SATISFIED UNDER THIS SECTION; AND~~

~~(2) THE STATE'S ATTORNEY REFUSES TO DISCLOSE THE INFORMATION BEING REQUESTED.~~

~~Article - Education~~

~~24-701.~~

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

~~(1) "Student data" means data relating to or impacting student performance.~~

~~(2) "Student data" includes:~~

~~(i) State and national assessments;~~

~~(ii) Course taking and completion;~~

~~(iii) Grade point average;~~

~~(iv) Remediation;~~

~~(v) Retention;~~

~~(vi) Degree, diploma, or credential attainment;~~

~~(vii) Enrollment;~~

~~(viii) Demographic data;~~

~~(ix) Juvenile delinquency records;~~

~~(x) Elementary and secondary school disciplinary records;~~

~~(xi) Child welfare data;~~

~~(xii) License, industry certificate, or vocational certificate; and~~

~~(xiii) Personally identifiable information.~~

~~(3) "Student data" does not include:~~

~~(i) Criminal and CINA records; and~~

~~(ii) Medical ~~MEDICAL~~ and health records.~~

~~24-703.~~

~~(a) There is a Maryland Longitudinal Data System Center.~~

~~(f) The Center shall perform the following functions and duties:~~

~~(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:~~

~~(i) The State Department of Education;~~

~~(ii) Local education agencies;~~

~~(iii) The Maryland Higher Education Commission;~~

~~(iv) Institutions of higher education;~~

~~(v) The Maryland Department of Labor;~~

~~(vi) The Department of Juvenile Services; and~~

~~(vii) The Social Services Administration within the Department of Human Services;~~

~~6-201.~~

~~*In this part, "Commission" means the State Commission on Criminal Sentencing Policy.*~~

~~6-209.~~

~~(a) The Commission shall review annually sentencing policy and practice and, on or before January 31 of each year, report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the activities of the preceding calendar year.~~

~~(b) (1) The report shall:~~

~~(i) include any changes to the sentencing guidelines made during the preceding year;~~

1 (ii) review judicial compliance with the sentencing guidelines,
2 including compliance by crime and by judicial circuit;

3 **(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:**

4 **1. FOR SENTENCES INVOLVING A CRIME OF VIOLENCE,**
5 **INCLUDE INFORMATION DISAGGREGATED BY CIRCUIT ON:**

6 **A. THE NUMBER AND PERCENTAGE OF SENTENCING**
7 **EVENTS IN EACH DISPOSITION CATEGORY, AS INDICATED ON THE SENTENCING**
8 **GUIDELINES WORKSHEET;**

9 **B. THE NUMBER AND PERCENTAGE OF SENTENCING**
10 **EVENTS THAT RESULTED IN A DEPARTURE FROM THE SENTENCING GUIDELINES;**
11 **AND**

12 **C. FOR SENTENCING EVENTS THAT RESULTED IN A**
13 **DEPARTURE FROM THE SENTENCING GUIDELINES, THE DEPARTURE REASONS CITED**
14 **AND THE NUMBER AND PERCENTAGE OF EVENTS IN WHICH EACH REASON WAS CITED;**
15 **AND**

16 **2. FOR SENTENCING EVENTS INVOLVING A CRIME OF**
17 **VIOLENCE, REPORT DISAGGREGATED BY CIRCUIT AND CRIME ON:**

18 **A. THE AVERAGE TOTAL SENTENCE;**

19 **B. THE AVERAGE NONSUSPENDED SENTENCE; AND**

20 **C. FOR SENTENCES IN WHICH A PORTION OF THE**
21 **SENTENCE WAS SUSPENDED, THE AVERAGE PERCENTAGE OF THE TOTAL SENTENCE**
22 **SUSPENDED;**

23 **[(iii)] (IV) review reductions or increases in original sentences that**
24 **have occurred because of reconsiderations of sentences imposed under § 14-101 of the**
25 **Criminal Law Article; and**

26 **[(iv)] (V) categorize information on the number of reconsiderations**
27 **of sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial**
28 **circuit.**

29 **(2) The Commission shall consider a sentence to a corrections options**
30 **program to be within the sentencing guidelines if the sentence falls within a corrections**
31 **options zone shown on the matrix.**

1 (3) THE COMMISSION SHALL CONSPICUOUSLY POST THE
2 INFORMATION REQUIRED TO BE INCLUDED IN THE REPORT UNDER PARAGRAPH
3 (1)(III) OF THIS SUBSECTION IN A DATA DASHBOARD ON ITS PUBLIC WEBSITE.

4 Article – Education

5 24-701.

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

7 (l) (1) “Student data” means data relating to or impacting student
8 performance.

9 (2) “Student data” includes:

10 (i) State and national assessments;

11 (ii) Course-taking and completion;

12 (iii) Grade point average;

13 (iv) Remediation;

14 (v) Retention;

15 (vi) Degree, diploma, or credential attainment;

16 (vii) Enrollment;

17 (viii) Demographic data;

18 (ix) Juvenile delinquency records;

19 (x) Elementary and secondary school disciplinary records;

20 (xi) Child welfare data;

21 (xii) License, industry certificate, or vocational certificate; and

22 (xiii) Personally identifiable information.

23 (3) “Student data” does not include[:

24 (i) Criminal and CINA records; and

25 (ii) Medical/ **MEDICAL** and health records.

1 24-703.

2 (a) There is a Maryland Longitudinal Data System Center.

3 (f) The Center shall perform the following functions and duties:

4 (1) Serve as a central repository of student data and workforce data in the
5 Maryland Longitudinal Data System, including data sets provided by:

6 (i) The State Department of Education;

7 (ii) Local education agencies;

8 (iii) The Maryland Higher Education Commission;

9 (iv) Institutions of higher education;

10 (v) The Maryland Department of Labor;

11 (vi) The Department of Juvenile Services; and

12 (vii) The Social Services Administration within the Department of
13 Human Services;

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

16 Article – Public Safety

17 3-104.

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

24 3-105.

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

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

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

7 **(2) The chief may offer the same discipline that was recommended by the**
8 **administrative charging committee or a higher degree of discipline within the applicable**
9 **range of the disciplinary matrix, but may not deviate below the discipline recommended by**
10 **the administrative charging committee.**

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

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

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

17 **(i) provided a copy of the investigatory record;**

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

19 **(iii) notified of the disciplinary action being recommended.**

20 **3-106.**

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

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

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

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

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

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

3 **(2) (I)** **THIS PARAGRAPH MAY NOT BE CONSTRUED TO APPLY TO**
4 **THE BALTIMORE POLICE DEPARTMENT.**

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

7 **1.** **AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE**
8 **LAW JUDGE APPOINTED BY THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE**
9 **MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS;**

10 **2.** **A CIVILIAN WHO IS NOT A MEMBER OF AN**
11 **ADMINISTRATIVE CHARGING COMMITTEE OR THE MARYLAND POLICE TRAINING**
12 **AND STANDARDS COMMISSION, APPOINTED BY THE POLICE ACCOUNTABILITY**
13 **BOARD FOR THE COUNTY WHERE THE ALLEGED MISCONDUCT OCCURRED; AND**

14 **3.** **A POLICE OFFICER OF EQUAL RANK TO THE POLICE**
15 **OFFICER WHO IS ACCUSED OF MISCONDUCT APPOINTED BY THE HEAD OF THE LAW**
16 **ENFORCEMENT AGENCY.**

17 **(c)** **THE ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE OR**
18 **THE RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT SHALL:**

19 **(1)** **BE THE CHAIR OF THE TRIAL BOARD;**

20 **(2)** **BE RESPONSIBLE FOR RULING ON ALL MOTIONS BEFORE THE**
21 **TRIAL BOARD; AND**

22 **(3)** **PREPARE THE WRITTEN DECISION OF THE TRIAL BOARD,**
23 **INCLUDING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE TRIAL**
24 **BOARD.**

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

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

29 **(1)** **a victim's identity;**

30 **(2)** **the personal privacy of an individual;**

1 (3) a child witness;

2 (4) medical records;

3 (5) the identity of a confidential source;

4 (6) an investigative technique or procedure; or

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

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

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

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

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

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

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

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

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

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

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

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

1 3-111.

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

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

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

8 Article – Public Safety

9 3-527.

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

11 (2) “Law enforcement agency” has the meaning stated in § 3-201 of this title.

12 (3) “Police officer” has the meaning stated in § 3-201 of this title.

13 (b) A law enforcement agency shall notify the Independent [Investigative Unit]
 14 INVESTIGATIONS DIVISION within the Office of the Attorney General of any [alleged or
 15 potential police-involved death of a civilian] POLICE-INVOLVED INCIDENT THAT
 16 RESULTS IN THE DEATH OF A CIVILIAN OR INJURIES THAT ARE LIKELY TO RESULT IN
 17 THE DEATH OF A CIVILIAN as soon as the law enforcement agency becomes aware of the
 18 incident.

19 (c) (1) A law enforcement agency shall cooperate with AND MAY NOT IMPEDE
 20 the Independent [Investigative Unit] INVESTIGATIONS DIVISION in connection with the
 21 investigation ~~AND PROSECUTION~~ of a police-involved death of a civilian.

22 (2) ON REQUEST OF THE ATTORNEY GENERAL OR THE ATTORNEY
 23 GENERAL’S DESIGNEE, A LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE ANY
 24 REQUESTED EVIDENCE TO THE INDEPENDENT INVESTIGATIONS DIVISION.

25 (D) (1) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S
 26 DESIGNEE MAY SEEK TEMPORARY OR PERMANENT INJUNCTIVE RELIEF IN A COURT
 27 OF COMPETENT JURISDICTION IN ORDER TO FACILITATE AN INVESTIGATION OR TO
 28 PREVENT INTERFERENCE WITH AN INVESTIGATION.

29 (2) IN A REQUEST FOR INJUNCTIVE RELIEF BROUGHT UNDER THIS
 30 SUBSECTION, THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE
 31 IS NOT REQUIRED TO:

1 **(I) POST BOND;**

2 **(II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW**
 3 **DOES NOT EXIST; OR**

4 **(III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE**
 5 **DAMAGE WOULD RESULT FROM ANY CONDUCT ALLEGED.**

6 **Article – State Government**

7 **SUBTITLE 6. INDEPENDENT INVESTIGATIONS DIVISION.**

8 **6-601.**

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

11 **(B) “DIVISION” MEANS THE INDEPENDENT INVESTIGATIONS DIVISION IN**
 12 **THE OFFICE OF THE ATTORNEY GENERAL.**

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

15 **[6-106.2.] 6-602.**

16 **(a) [In this section, “police officer” has the meaning stated in § 3-201 of the Public**
 17 **Safety Article.**

18 **(b)] There is an Independent [Investigative Unit] INVESTIGATIONS DIVISION**
 19 **within the Office of the Attorney General.**

20 **(B) (1) THE DIVISION IS THE PRIMARY INVESTIGATIVE UNIT FOR**
 21 **POLICE-INVOLVED INCIDENTS THAT RESULT IN THE DEATH OF CIVILIANS OR**
 22 **INJURIES LIKELY TO RESULT IN DEATH.**

23 **(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL DETERMINE**
 24 **WHETHER AN INCIDENT IS POLICE-INVOLVED AND WHETHER AN INJURY IS LIKELY**
 25 **TO RESULT IN DEATH.**

26 **(c) [(1)] The [Independent Investigative Unit] DIVISION:**

27 **(1) shall investigate all [alleged or potential police-involved deaths of**
 28 **civilians.] POLICE-INVOLVED INCIDENTS THAT RESULT IN THE DEATH OF A CIVILIAN**
 29 **OR INJURIES THAT ARE LIKELY TO RESULT IN THE DEATH OF A CIVILIAN; AND**

1 (2) *[The Independent Investigative Unit] may investigate any other crimes*
2 *related to police misconduct that are discovered during an investigation under [paragraph]*
3 *ITEM (1) of this subsection.*

4 (d) *In conducting an investigation under subsection (c) of this section, the*
5 *[Independent Investigative Unit] DIVISION may act with the full powers, rights, privileges,*
6 *and duties of a State's Attorney, including the use of a grand jury in any county.*

7 (e) (1) *Within 15 days after completing an investigation required under*
8 *subsection (c) of this section, the [Independent Investigative Unit] DIVISION shall transmit*
9 *a report containing detailed investigative findings to the State's Attorney of the county that*
10 *has jurisdiction to prosecute the matter.*

11 (2) *Except as otherwise provided by law, the report under this subsection*
12 *shall remain confidential through adjudication of any associated criminal case at the trial*
13 *court level.*

14 (f) *To investigate and assist with the investigation of alleged criminal offenses*
15 *committed by police officers, the [Independent Investigative Unit] DIVISION may:*

16 (1) *detail one or more police officers employed by the Department of State*
17 *Police; and*

18 (2) *employ other civilian personnel as needed.*

19 ~~(g)~~ (1) *The Governor annually shall include funding in the State budget*
20 *sufficient to provide for the full and proper operation of the Independent Investigative Unit.*

21 (2) *Funds provided in accordance with this subsection shall supplement*
22 *and may not supplant any other funding provided to the Independent Investigative Unit.*~~‡~~

23 **6-603.**

24 (A) (1) **FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING**
25 **CRIMINAL INVESTIGATION, THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY**
26 **GENERAL OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED IN WRITING BY THE**
27 **ATTORNEY GENERAL MAY ISSUE IN ANY COURT IN THE STATE A SUBPOENA TO A**
28 **PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENT, OR CORPORATE**
29 **RECORDS OR DOCUMENTS.**

30 (2) **A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE SERVED IN**
31 **THE SAME MANNER AS A SUBPOENA ISSUED BY A CIRCUIT COURT.**

1 (B) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY
 2 CONTACT MADE UNDER SUBSECTION (A) OF THIS SECTION WITH THE ATTORNEY
 3 GENERAL OR AN AGENT OF THE ATTORNEY GENERAL.

4 (2) THE ATTORNEY GENERAL SHALL ADVISE A PERSON OF THE RIGHT
 5 TO COUNSEL WHEN THE SUBPOENA IS SERVED.

6 (C) (1) (I) IF A PERSON FAILS TO OBEY A LAWFULLY SERVED
 7 SUBPOENA UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL
 8 MAY REPORT THE FAILURE TO OBEY THE SUBPOENA TO THE CIRCUIT COURT WITH
 9 JURISDICTION OVER THE MATTER.

10 (II) THE ATTORNEY GENERAL SHALL PROVIDE A COPY OF THE
 11 SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

12 (2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON THAT
 13 ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)
 14 OF THIS SECTION HAS HAD AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED
 15 BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.

16 (D) THIS SECTION DOES NOT ALLOW THE CONTRAVENTION, DENIAL, OR
 17 ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

18 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That:

19 (a) There is a Task Force to Study ~~Criminal Justice Data Transparency~~
 20 Transparency Standards for State's Attorneys.

21 (b) The Task Force consists of the following members:

22 (1) two members of the Senate of Maryland and two members of the
 23 community, appointed by the President of the Senate;

24 (2) two members of the House of Delegates and two members of the
 25 community, appointed by the Speaker of the House;

26 (3) the President of the Maryland State's Attorneys' Association, or the
 27 President's designee;

28 (4) the Executive Director of the Maryland State Commission on Criminal
 29 Sentencing Policy, or the Executive Director's designee;

30 (5) one representative of the Administrative Office of the Courts, appointed
 31 by the ~~Governor~~ Chief Judge of the Court of Appeals; and

1 (6) one representative of the Vera Institute of Justice, appointed by the
2 Governor;

3 (7) the Chair of the Attorney Grievance Commission, or the Chair's designee;
4 and

5 (8) one representative of a crime victims' advocacy group, appointed by the
6 Governor.

7 (c) The President of the Senate and the Speaker of the House shall each designate
8 one co-chair of the Task Force.

9 (d) ~~The Maryland State Commission on Criminal Sentencing Policy~~ Department
10 of Legislative Services shall provide staff for the Task Force.

11 (e) A member of the Task Force:

12 (1) may not receive compensation as a member of the Task Force; but

13 (2) is entitled to reimbursement for expenses under the Standard State
14 Travel Regulations, as provided in the State budget.

15 (f) (1) The Task Force shall:

16 ~~(1) study the possibility of expanding the data collection and disclosure~~
17 ~~requirements established under Section 1 of this Act to include cases of the District Court;~~
18 ~~and establishing minimum transparency standards for State's Attorneys.~~

19 (2) ~~make recommendations on potential statutory changes necessary to~~
20 ~~expand data collection and reporting~~ In conducting its study, the Task Force shall:

21 (i) develop processes by which prosecutors can collect information
22 and determine what information should be made public and what information may be kept
23 private; and

24 (ii) examine any existing policies of State's Attorneys' offices across
25 the State relating to the transparency of data, the charging of crimes, and sentencing.

26 (g) On or before December 31, 2023, the Task Force shall report its findings and
27 recommendations to the Senate Judicial Proceedings Committee and the House Judiciary
28 Committee in accordance with § 2-1257 of the State Government Article.

29 SECTION ~~2~~ ~~3~~ 5. AND BE IT FURTHER ENACTED, That, if any provision of this
30 Act or the application thereof to any person or circumstance is held invalid for any reason
31 in a court of competent jurisdiction, the invalidity does not affect other provisions or any
32 other application of this Act that can be given effect without the invalid provision or
33 application, and for this purpose the provisions of this Act are declared severable.

1 ~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
 2 ~~October 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 9~~
 3 ~~months and, at the end of June 30, 2024, Section 2 of this Act, with no further action~~
 4 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

5 SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
 6 effect October 1, 2022. It shall remain effective for a period of 3 years and, at the end of
 7 September 30, 2025, Section 1 of this Act, with no further action required by the General
 8 Assembly, shall be abrogated and of no further force and effect.

9 SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
 10 effect July 1, 2022, the effective date of Section 3 of Chapter 59 of the Acts of the General
 11 Assembly of 2021. If the effective date of Section 3 of Chapter 59 is amended, Section 2 of
 12 this Act shall take effect on the taking effect of Section 3 of Chapter 59.

13 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Sections
 14 6 and 7 of this Act, this Act shall take effect July 1, 2022. Section 4 of this Act shall remain
 15 effective for a period of 2 years and, at the end of June 30, 2024, Section 4 of this Act, with
 16 no further action required by the General Assembly, shall be abrogated and of no further
 17 force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.