

SENATE BILL 409

E4

3lr2561
CF HB 518

By: **Senator Watson**

Introduced and read first time: February 1, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Police Accountability Boards and Administrative Charging Committees –**
3 **Municipal Corporations**

4 FOR the purpose of authorizing a municipal corporation in the State to have a certain police
5 accountability board; authorizing a municipal corporation in the State to establish
6 an administrative charging committee to serve certain law enforcement agencies;
7 and generally relating to police accountability boards and administrative charging
8 committees in municipal corporations.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 3–102, 3–104(a), and 3–106(b)(1)(ii)
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

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

16 **Article – Public Safety**

17 3–102.

18 (a) Each county shall have a police accountability board to:

19 (1) hold quarterly meetings with heads of law enforcement agencies and
20 otherwise work with law enforcement agencies and the county government to improve
21 matters of policing;

22 (2) appoint civilian members to charging committees and trial boards;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) receive complaints of police misconduct filed by members of the public;
2 and

3 (4) (i) on a quarterly basis, review outcomes of disciplinary matters
4 considered by charging committees; and

5 (ii) on or before December 31 each year, submit a report to the
6 governing body of the county that:

7 1. identifies any trends in the disciplinary process of police
8 officers in the county; and

9 2. makes recommendations on changes to policy that would
10 improve police accountability in the county.

11 (b) (1) (i) Subject to subparagraph (ii) of this paragraph, the local
12 governing body shall:

13 1. establish the membership of a police accountability board;

14 2. establish the budget and staff for a police accountability
15 board;

16 3. appoint a chair of the police accountability board who has
17 relevant experience to the position; and

18 4. establish the procedures for record keeping by a police
19 accountability board.

20 (ii) An active police officer may not be a member of a police
21 accountability board.

22 (2) To the extent practicable, the membership of a police accountability
23 board shall reflect the racial, gender, and cultural diversity of the county.

24 (c) **(1) A MUNICIPAL CORPORATION IN THE STATE MAY HAVE A POLICE**
25 **ACCOUNTABILITY BOARD TO:**

26 **(I) HOLD QUARTERLY MEETINGS WITH HEADS OF**
27 **GOVERNMENT AGENCIES IN THE MUNICIPAL CORPORATION AND HEADS OF LAW**
28 **ENFORCEMENT AGENCIES WITH JURISDICTION IN THE MUNICIPAL CORPORATION**
29 **TO IMPROVE MATTERS OF POLICING IN THE MUNICIPAL CORPORATION;**

30 **(II) APPOINT CIVILIAN MEMBERS TO CHARGING COMMITTEES**
31 **AND TRIAL BOARDS;**

1 (III) RECEIVE COMPLAINTS OF POLICE MISCONDUCT FILED BY
2 MEMBERS OF THE PUBLIC; AND

3 (IV) 1. ON A QUARTERLY BASIS, REVIEW OUTCOMES OF
4 DISCIPLINARY MATTERS CONSIDERED BY CHARGING COMMITTEES; AND

5 2. ON OR BEFORE DECEMBER 31 EACH YEAR, SUBMIT A
6 REPORT TO THE GOVERNING BODY OF THE MUNICIPAL CORPORATION THAT:

7 A. IDENTIFIES ANY TRENDS IN THE DISCIPLINARY
8 PROCESS OF POLICE OFFICERS IN THE MUNICIPAL CORPORATION; AND

9 B. MAKES RECOMMENDATIONS ON CHANGES TO POLICY
10 THAT WOULD IMPROVE POLICE ACCOUNTABILITY IN THE MUNICIPAL
11 CORPORATION.

12 (2) FOR AN ACCOUNTABILITY BOARD ESTABLISHED UNDER THIS
13 SUBSECTION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION SHALL:

14 (I) ESTABLISH THE MEMBERSHIP OF THE POLICE
15 ACCOUNTABILITY BOARD;

16 (II) ESTABLISH THE BUDGET AND STAFF FOR THE POLICE
17 ACCOUNTABILITY BOARD;

18 (III) APPOINT A CHAIR OF THE POLICE ACCOUNTABILITY BOARD
19 WHO HAS EXPERIENCE RELEVANT TO THE POSITION; AND

20 (IV) ESTABLISH THE PROCEDURES FOR RECORD KEEPING BY A
21 POLICE ACCOUNTABILITY BOARD.

22 (3) AN ACTIVE POLICE OFFICER MAY NOT BE A MEMBER OF A POLICE
23 ACCOUNTABILITY BOARD.

24 (4) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP OF A POLICE
25 ACCOUNTABILITY BOARD ESTABLISHED UNDER THIS SUBSECTION SHALL REFLECT
26 THE RACIAL, GENDER, AND CULTURAL DIVERSITY OF THE MUNICIPAL
27 CORPORATION.

28 (D) (1) A complaint of police misconduct filed with a police accountability board
29 shall include:

30 (i) the name of the police officer accused of misconduct;

1 (ii) a description of the facts on which the complaint is based; and

2 (iii) contact information of the complainant or a person filing on
3 behalf of the complainant for investigative follow-up.

4 (2) A complaint need not be notarized.

5 **[(d)] (3)** A complaint [of police misconduct filed with a police accountability
6 board] shall be forwarded to the appropriate law enforcement agency within 3 days after
7 receipt by the board.

8 3–104.

9 (a) (1) **(I)** [Each] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
10 **SUBSECTION, EACH** county shall have one administrative charging committee to serve
11 countywide law enforcement agencies and local law enforcement agencies within the
12 county.

13 **[(2)] (II)** A county administrative charging committee shall be composed
14 of:

15 **[(i)] 1.** the chair of the county's police accountability board, or
16 another member of the accountability board designated by the chair of the accountability
17 board;

18 **[(ii)] 2.** two civilian members selected by the county's police
19 accountability board; and

20 **[(iii)] 3.** two civilian members selected by the chief executive officer
21 of the county.

22 **(III) A COUNTY ADMINISTRATIVE CHARGING COMMITTEE DOES**
23 **NOT HAVE JURISDICTION OVER DISCIPLINARY MATTERS INITIATED BY A LAW**
24 **ENFORCEMENT AGENCY SERVED BY AN ADMINISTRATIVE CHARGING COMMITTEE**
25 **ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

26 **(2) (I) A MUNICIPAL CORPORATION IN THE STATE MAY ESTABLISH**
27 **AN ADMINISTRATIVE CHARGING COMMITTEE TO SERVE LAW ENFORCEMENT**
28 **AGENCIES IN THE MUNICIPAL CORPORATION.**

29 **(II) THE ADMINISTRATIVE CHARGING COMMITTEE SHALL BE**
30 **COMPOSED OF:**

31 **1. THE CHAIR OF THE POLICE ACCOUNTABILITY BOARD**
32 **FOR THE MUNICIPAL CORPORATION, OR ANOTHER MEMBER OF THE MUNICIPAL**

1 CORPORATION'S ACCOUNTABILITY BOARD DESIGNATED BY THE CHAIR;

2 **2. TWO CIVILIAN MEMBERS SELECTED BY THE**
3 **MUNICIPAL CORPORATION'S ACCOUNTABILITY BOARD; AND**

4 **3. TWO CIVILIAN MEMBERS SELECTED BY THE CHIEF**
5 **EXECUTIVE OF THE MUNICIPAL CORPORATION AND APPROVED BY THE LOCAL**
6 **GOVERNING BODY OF THE MUNICIPAL CORPORATION.**

7 3-106.

8 (b) (1) Except as provided in paragraph (2) of this subsection, a trial board
9 shall be composed of:

10 (ii) a civilian who is not a member of an administrative charging
11 committee, appointed by the [county's] police accountability board **THAT SERVES THE LAW**
12 **ENFORCEMENT AGENCY THAT EMPLOYS THE POLICE OFFICER;** and

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2023.