

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

Senate Bill 330

(Senator Ready)

Judicial Proceedings

Judiciary

Public Safety - Law Enforcement - Body-Worn Cameras (Body-Worn Camera Appropriation and Financing Act of 2023)

This bill requires the Department of General Services (DGS), in coordination with the Department of Information Technology (DoIT), to negotiate contracts, at the request of one or more law enforcement agencies, with third parties to acquire or maintain body-worn cameras (BWCs), equipment, or technology for law enforcement agencies. The contracts must meet specified criteria and not restrict the right of law enforcement agencies to receive related services. The bill also requires DoIT, in coordination with DGS, to study the cost and feasibility of implementing a statewide uniform storage and access system for BWC data. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: General fund expenditures increase by between \$200,000 and \$400,000 only in FY 2024 for the feasibility study; these costs may be mitigated to the extent that a recent prior study is applicable, as discussed below. DGS and DoIT can otherwise implement the bill with existing budgeted resources. Affected State law enforcement agencies may benefit from administrative efficiencies, as discussed below. No effect on revenues.

Local Effect: Although the bill does not directly affect local expenditures, affected local law enforcement agencies may benefit from administrative efficiencies, as discussed below. Local revenues are not affected.

Small Business Effect: None.

Analysis

Bill Summary: DGS must notify all law enforcement agencies of the contracts that it is negotiating by posting the contracts on eMaryland Marketplace Advantage (eMMA).

The study by DoIT must include an analysis of (1) best practices for the storage of BWC data and (2) alternatives to a statewide uniform storage and access system for BWC data. DoIT must report its findings by December 1, 2023, to the Senate Budget and Taxation Committee and the House Appropriations Committee.

The bill applies only prospectively and does not affect any contract negotiated before the bill's effective date.

Current Law: "Law enforcement agency" means a governmental police force, sheriff's office, or security force or law enforcement organization of the State, a county, or a municipality that by law is authorized to enforce the general criminal laws of the State. It does not include specified members of the Maryland National Guard.

State procurement law designates DGS as the primary procurement unit with jurisdiction over, among other things, (1) supplies; (2) services; (3) information processing equipment and associated services; and (4) telecommunications equipment, systems, or services. Within DGS, the Chief Procurement Officer is the head of all procurement activity for the Executive Branch.

eMMA is the State's cloud-based procurement portal.

Body-worn Cameras

Chapter 60 of 2021 requires, by July 1, 2023, the Department of State Police, the Anne Arundel County Police Department, the Howard County Police Department, and the Harford County Sheriff's Office to require the use of a BWC by each law enforcement officer employed by the law enforcement agency who regularly interacts with members of the public as part of the law enforcement officer's official duties, subject to the agency's policy on the use of BWCs. A law enforcement agency of a county that is not subject to the July 1, 2023 deadline is required to comply with the aforementioned requirement by July 1, 2025. A BWC that possesses the requisite technological capability must automatically record and save at least 60 seconds of video footage immediately prior to the officer activating the record button on the device.

A law enforcement agency subject to the BWC requirements must develop and maintain a written policy consistent with the policy published by the Maryland Police Training and Standards Commission (MPTSC) for the use of BWCs. The policy must specify which law

enforcement officers employed by the law enforcement agency are required to use BWCs. A law enforcement agency may not negate or alter any of the requirements or policies established in accordance with specified BWC-related provisions through collective bargaining.

Under Chapters 128 and 129 of 2015, MPTSC developed a policy for the issuance and use of BWCs by law enforcement officers. MPTSC also published a [Body-worn Camera Procedural Reference Guide](#) that provides practical and detailed background information on BWCs as well as advisory language for use by law enforcement agencies.

State/Local Expenditures:

Department of Information Technology – Required Study

DoIT advises that, as it lacks the in-house expertise to study the cost and feasibility of implementing a statewide uniform storage and access system for BWC data, it must hire a consultant at an estimated cost of as much as \$400,000 in fiscal 2024 to conduct the feasibility study. The cost estimate is driven in part by the short timeframe (five months) in which the study must be conducted. The Department of Legislative Services concurs that the cost should not exceed \$400,000 and advises that the cost could be as low as \$200,000.

In addition, MPTSC has advised that a similar feasibility study was commissioned by the Governor's Office of Crime Prevention, Youth, and Victim Services in fiscal 2021 that examined the costs associated with BWCs, including data storage and access. To the extent that the findings and recommendations of that study are relevant to the study required by the bill, consultant costs for DoIT may be further mitigated.

State and Local Law Enforcement Agencies

Affected State and local law enforcement agencies may benefit from administrative efficiencies to the extent they request DGS negotiate BWC contracts on their behalf. The extent to which any contracts negotiated pursuant to the bill vary in cost from contracts that would otherwise be negotiated by State and local law enforcement agencies cannot be predicted.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 332 (Delegate J. Lewis, *et al.*) - Judiciary.

Information Source(s): Department of General Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of Information Technology; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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