

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 571
(Senator Folden, *et al.*)
Judicial Proceedings

Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

This bill requires a law enforcement agency to file any administrative charges arising out of an investigation of alleged police officer misconduct that is not required to be reviewed by an administrative charging committee within one year and one day from the date of the incident that led to the investigation.

Fiscal Summary

State Effect: State finances are not anticipated to be materially affected; however, the bill may have an operational effect on State law enforcement agencies, as discussed below.

Local Effect: Local government finances are not anticipated to be materially affected; however, the bill may have an operational effect on local law enforcement agencies, as discussed below.

Small Business Effect: None.

Analysis

Current Law: Chapter 59 of 2021 repealed the Law Enforcement Officers' Bill of Rights and established a statewide accountability and discipline process for police officers with procedural requirements for handling complaints of police misconduct that could lead to disciplinary action. The process includes requirements for the use of police accountability boards, administrative charging committees, and trial boards, as well as the authorization for a police officer who is the subject of a complaint of police misconduct to have the

assistance of a representative. It extends to police officers of specified State and local agencies.

The investigating unit of a law enforcement agency must immediately review a complaint by a member of the public alleging police officer misconduct. An administrative charging committee must review and make a determination or ask for further review within 30 days after completion of the investigating unit's review. The process of review by the investigating unit through disposition by the administrative charging committee must be completed within one year and one day after the filing of a complaint by a citizen.

State/Local Operational Effect: Several State and local law enforcement agencies surveyed regarding the fiscal effect of the bill advise that the timeline established by the bill for filing any administrative charges may create operational difficulties. Law enforcement agencies often are not aware of an incident involving police misconduct until long after the incident occurred; therefore, the agency may not be able to investigate the allegations and file administrative charges within one year and one day from the date of the incident. In addition, if an incident involving police misconduct results in criminal charges, law enforcement agencies often choose to delay filing administrative charges until the criminal case has been completed, which may not fall within the timeline established by the bill.

Additional Information

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

Designated Cross File: HB 582 (Delegates Cardin and Simmons) - Judiciary.

Information Source(s): Kent, Washington, and Worcester counties; Maryland Association of Counties; City of Salisbury; Maryland Municipal League; towns of Bel Air and Leonardtown; Comptroller's Office; University System of Maryland; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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