

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 663
Judiciary

(Delegate Cardin)

Police Discipline - Order to Show Cause

This bill authorizes a police officer who is denied a right granted by laws relating to police accountability and discipline to apply, at any time before a hearing is held by a hearing board, to the circuit court for an order that directs the law enforcement agency to show cause why the right should not be granted. The police officer must make the application (1) to the circuit court of the county in which the law enforcement agency is located if the police officer is an employee of a countywide or local law enforcement agency and (2) to the circuit court for Anne Arundel County if the police officer is an employee of a statewide or bi-county law enforcement agency.

Fiscal Summary

State Effect: The bill is not expected to have a material impact on State operations or finances.

Local Effect: The bill is not expected to have a material impact on local government operations or finances. Any applications for show cause hearings in the circuit courts is expected to be few in number.

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Current Law: Chapter 59 of 2021 repealed the Law Enforcement Officers' Bill of Rights and established a statewide accountability and discipline process for police officers with procedural requirements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.

Pursuant to Chapter 59, a police officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer (1) disclosed information that evidences mismanagement, a waste of government resources, a danger to public health or safety, or a violation of law or policy committed by another police officer or (2) lawfully exercised constitutional rights. A police officer may not be denied the right to bring suit arising out of the police officer's official duties and has the same rights to engage in political activity as a State employee, except when on duty. A law enforcement agency may not prohibit secondary employment by a police officer but may adopt reasonable regulations that relate to secondary employment by a police officer.

Additional Information

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

Designated Cross File: SB 752 (Senator Folden) - Judicial Proceedings.

Information Source(s): Frederick and Montgomery counties; Maryland Association of Counties; cities of Frederick and Havre de Grace; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); University System of Maryland; Morgan State University; Department of General Services; 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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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510