

HOUSE BILL 973

P3
HB 682/23 – JUD

4lr2684
CF SB 7

By: **Delegates Valentine, Buckel, McComas, Miller, Munoz, Rose, Tomlinson, ~~and Wivell~~ Wivell, Simmons, Arikan, Taylor, Grammer, Conaway, and Kaufman**

Introduced and read first time: February 2, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Law Enforcement Agencies – Positive Community Feedback**

3 FOR the purpose of adding certain positive community feedback to the list of records that
4 are not considered personnel records for certain purposes; requiring the Maryland
5 Police Training and Standards Commission to develop a process for citizens to
6 submit certain feedback; requiring each law enforcement agency to adopt the
7 uniform citizen positive community feedback process; requiring a law enforcement
8 agency to maintain a certain record that is subject to public inspection; and generally
9 relating to law enforcement agencies.

10 BY repealing and reenacting, with amendments,
11 Article – General Provisions
12 Section 4–311(c) and 4–351(a)
13 Annotated Code of Maryland
14 (2019 Replacement Volume and 2023 Supplement)

15 BY adding to
16 Article – Public Safety
17 Section 3–207(m) and 3–519.1
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

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

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.



Article – General Provisions

1
2 4–311.

3 (c) (1) Except as provided in paragraph (2) of this subsection, **THE**
4 **FOLLOWING RECORDS ARE NOT PERSONNEL RECORDS FOR THE PURPOSES OF THIS**
5 **SECTION:**

6 (I) a record relating to an administrative or criminal investigation
7 of misconduct by a police officer, including an internal affairs investigatory record[.];

8 (II) a hearing record[.];

9 (III) **A RECORD OF POSITIVE COMMUNITY FEEDBACK THAT WAS**
10 **NOT SOLICITED BY THE POLICE OFFICER WHO IS THE SUBJECT OF THE FEEDBACK;**
11 and

12 (IV) records relating to a disciplinary decision[, is not a personnel
13 record for purposes of this section].

14 (2) A record of a technical infraction is a personnel record for the purposes
15 of this section.

16 4–351.

17 (a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny
18 inspection of:

19 (1) records of investigations conducted by the Attorney General, a State's
20 Attorney, a municipal or county attorney, a police department, or a sheriff;

21 (2) an investigatory file compiled for any other law enforcement, judicial,
22 correctional, or prosecution purpose;

23 (3) records that contain intelligence information or security procedures of
24 the Attorney General, a State's Attorney, a municipal or county attorney, a police
25 department, a State or local correctional facility, or a sheriff; or

26 (4) records, other than a record of a technical infraction, relating to an
27 administrative or criminal investigation of misconduct by a police officer, including an
28 internal affairs investigatory record, a hearing record, **A RECORD OF POSITIVE**
29 **COMMUNITY FEEDBACK**, and records relating to a disciplinary decision.

30 **Article – Public Safety**

1 3-207.

2 (M) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN POSITIVE
3 COMMUNITY FEEDBACK PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT
4 AGENCY.

5 (2) THE UNIFORM CITIZEN POSITIVE COMMUNITY FEEDBACK
6 PROCESS SHALL:

7 (I) BE SIMPLE; AND

8 (II) BE POSTED ON THE WEBSITE OF THE COMMISSION AND
9 EACH LAW ENFORCEMENT AGENCY.

10 3-519.1.

11 (A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM
12 CITIZEN POSITIVE COMMUNITY FEEDBACK PROCESS DEVELOPED BY THE
13 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-207 OF
14 THIS TITLE.

15 (B) A LAW ENFORCEMENT AGENCY SHALL:

16 (1) POST THE AGENCY'S POSITIVE COMMUNITY FEEDBACK PROCESS
17 ON THE AGENCY'S WEBSITE IF THE AGENCY MAINTAINS A WEBSITE; AND

18 (2) MAINTAIN A RECORD OF POSITIVE COMMUNITY FEEDBACK FOR
19 ALL LAW ENFORCEMENT OFFICERS WITHIN THE AGENCY.

20 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RECORDS
21 MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION ARE SUBJECT TO PUBLIC
22 INSPECTION IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2024.