

**SB0026/173928/1**

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 26  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety; in line 3, strike the opening parenthesis; in the same line, strike the closing parenthesis; in line 4, after “of” insert “requiring the Correctional Training Commission to adopt certain regulations for the training, issuance, and use of body–worn cameras; requiring each correctional unit to develop and maintain a certain written policy for the use of body–worn cameras by correctional officers, subject to a certain exception; establishing that it is lawful for a correctional officer to intercept certain communications by use of a body–worn camera under certain circumstances;”; in line 14, after “Commissioner” insert “of Labor and Industry”; in line 16, after “violence;” insert “providing that certain penalties do not apply with respect to an elevator unit owned by a public body;”; in lines 16 and 17, strike “the Maryland Occupational Safety and Health Act” and substitute “public employee safety and health”; after line 17, insert:

“BY adding to

Article – Correctional Services

Section 8–211

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10-402(c)(11)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)”;

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in line 20, after “5-104,” insert “5-202(b)(1), 5-205(h),”; and in line 21, strike “5-702, 5-804, 5-811,” and substitute “5-702(a),”.

On page 2, after line 11, insert:

“BY repealing and reenacting, with amendments,

Article – Public Safety

Section 12-804(b)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“Article – Correctional Services

8-211.

**(A) ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL ADOPT REGULATIONS FOR THE TRAINING, ISSUANCE, AND USE OF A BODY-WORN CAMERA BY A CORRECTIONAL OFFICER THAT ADDRESSES:**

**(1) THE TESTING OF BODY-WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING;**

**(2) THE PROCEDURE FOR THE CORRECTIONAL OFFICER TO FOLLOW IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE CORRECTIONAL OFFICER’S SHIFT;**

**(3) WHEN RECORDING IS MANDATORY;**

- (4) WHEN RECORDING IS PROHIBITED;**
- (5) WHEN RECORDING IS DISCRETIONARY;**
- (6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;**
- (7) WHEN A RECORDING MAY BE ENDED;**
- (8) PROVIDING NOTICE OF RECORDING;**
- (9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;**
- (10) THE SECURE STORAGE OF DATA FROM A BODY-WORN CAMERA;**
- (11) REVIEW AND USE OF RECORDINGS;**
- (12) RETENTION OF RECORDINGS;**
- (13) DISSEMINATION AND RELEASE OF RECORDINGS;**
- (14) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;**
- (15) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND**

**(16) THE PROCEDURES FOR A CORRECTIONAL OFFICER TO FOLLOW IF THE CORRECTIONAL OFFICER REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC OUTSIDE AS PART OF THE CORRECTIONAL OFFICER’S OFFICIAL DUTIES.**

**(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH CORRECTIONAL UNIT SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.**

**(C) (1) THIS SUBSECTION APPLIES ONLY TO A LOCAL CORRECTIONAL FACILITY.**

**(2) A LOCAL CORRECTIONAL FACILITY MAY NOT BE REQUIRED TO ADOPT THE USE OF BODY-WORN CAMERAS BY CORRECTIONAL OFFICERS.**

**(3) IF A LOCAL CORRECTIONAL FACILITY ADOPTS THE USE OF BODY-WORN CAMERAS, THE LOCAL CORRECTIONAL FACILITY SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.**

**Article – Courts and Judicial Proceedings**

10-402.

**(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.**

2. “Body-worn digital recording device” means a device worn on the person of a law enforcement officer **OR A CORRECTIONAL OFFICER** that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4-109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer **OR A CORRECTIONAL OFFICER** in the course of the officer’s regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer **OR CORRECTIONAL OFFICER** is in uniform or prominently displaying the officer’s badge or other insignia;

2. The law enforcement officer **OR CORRECTIONAL OFFICER** is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article **OR § 8-211 OF THE CORRECTIONAL SERVICES ARTICLE** for the use of body-worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer **OR CORRECTIONAL OFFICER** is a party to the oral communication;

4. Law enforcement **OR THE CORRECTIONAL OFFICER** notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

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(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.

On page 3, in lines 20, 22, 23, 24, and 25, in each instance, strike “governmental unit” and substitute “**PUBLIC BODY**”.

On page 6, in line 15, strike “governmental units” and substitute “**PUBLIC BODIES**”.

On page 7, in line 20, strike “SEND” and substitute “**MAKE AVAILABLE**”.

On page 8, after line 12, insert:

“5-202.

(b) (1) The Commissioner may enter into a written agreement with a [governmental unit] **PUBLIC BODY** to delegate any power of inspection under this title.

5-205.

(h) With the consent of a [governmental unit] **PUBLIC BODY**, the Commissioner may use an employee, facility, or service of the [governmental unit] **PUBLIC BODY**, with or without reimbursement, to help the Commissioner carry out a function under this title.”

On page 10, after line 11, insert:

“(3) **ON OR BEFORE JULY 1 EACH YEAR, THE COMMISSIONER SHALL SUBMIT THE REPORT REQUIRED TO BE PUBLISHED UNDER PARAGRAPH**

**(1) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.**

On page 13, in line 24, strike “SEND” and substitute “MAKE AVAILABLE”.

On pages 13 and 14, strike in their entirety the lines beginning with line 29 on page 13 through line 3 on page 14, inclusive.

On page 15, strike in their entirety lines 10 through 15, inclusive.

On pages 15 and 16, strike in their entirety the lines beginning with line 18 on page 15 through line 28 on page 16, inclusive.

On page 17, after line 26, insert:

**“Article – Public Safety**

12-804.

(b) **(1) [Sections] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, §§ 5-205(j), 5-207, 5-214, 5-215, and 5-216 and Title 5, Subtitle 8 of the Labor and Employment Article apply to Part II of this subtitle.**

**(2) THE PENALTIES ESTABLISHED UNDER THIS SUBTITLE AND TITLE 5, SUBTITLE 8 OF THE LABOR AND EMPLOYMENT ARTICLE DO NOT APPLY WITH RESPECT TO AN ELEVATOR UNIT OWNED BY A PUBLIC BODY, AS DEFINED IN § 5-101 OF THE LABOR AND EMPLOYMENT ARTICLE.**