

# HOUSE BILL 302

D1, D4

5lr0812

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By: **Delegate Moon**

Introduced and read first time: January 9, 2025

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Statement of Charges – Human Service**  
3 **Workers**

4 FOR the purpose of expanding certain provisions of law relating to a certain investigation  
5 and recommendation by a State’s Attorney concerning the filing of a statement of  
6 charges against certain professionals to include certain human service workers; and  
7 generally relating to statements of charges against human service workers.

8 BY repealing and reenacting, with amendments,  
9 Article – Courts and Judicial Proceedings  
10 Section 2–608  
11 Annotated Code of Maryland  
12 (2020 Replacement Volume and 2024 Supplement)  
13 (As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

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

16 **Article – Courts and Judicial Proceedings**

17 2–608.

18 (a) (1) In this section the following words have the meanings indicated.

19 **(2) “ADULT PROTECTIVE SERVICES WORKER” MEANS A HUMAN**  
20 **SERVICE WORKER, AS DEFINED IN § 14–101 OF THE FAMILY LAW ARTICLE,**  
21 **EMPLOYED BY A PUBLIC ADULT PROTECTIVE SERVICES PROGRAM.**

22 **[(2)] (3) “Charging document” means a written accusation alleging that a**  
23 **defendant has committed an offense.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(4) “CHILD WELFARE CASEWORKER” MEANS A HUMAN SERVICES**  
2 **PROFESSIONAL WHO MEETS THE QUALIFICATIONS FOR EMPLOYMENT UNDER §**  
3 **4–301 OF THE HUMAN SERVICES ARTICLE.**

4           **[(3)] (5)** “Citation” means a charging document, other than an  
5 indictment, an information, or a statement of charges, issued to a defendant by a peace  
6 officer or other person authorized by law to do so.

7           **[(4)] (6)** “Educator” means a principal, vice–principal, teacher, or  
8 teacher’s aide at a public or private preschool, elementary, or secondary school.

9           **[(5)] (7)** “Emergency services personnel” means:

10                   (i) A career firefighter of a county or municipal corporation;

11                   (ii) An emergency medical services provider as defined in § 13–516  
12 of the Education Article of a county or municipal corporation;

13                   (iii) A rescue squad employee of a county or municipal corporation;

14 and

15                   (iv) A volunteer firefighter, rescue squad member, or advanced life  
16 support unit member of a county or municipal corporation.

17           **[(6)] (8)** “Indictment” means a charging document returned by a grand  
18 jury and filed in circuit court.

19           **[(7)] (9)** “Information” means a charging document filed in court by a  
20 State’s Attorney.

21           **[(8)] (10)** “Law enforcement officer” means:

22                   (i) A law enforcement officer as defined in § 1–101 of the Public  
23 Safety Article;

24                   (ii) The Police Commissioner of Baltimore City;

25                   (iii) An individual who serves at the pleasure of the Police  
26 Commissioner of Baltimore City;

27                   (iv) The police chief of a county law enforcement agency;

28                   (v) The police chief of a municipal corporation;

1 (vi) The police chief or superintendent of a State law enforcement  
2 agency;

3 (vii) The sheriff of a county;

4 (viii) An officer who is on probationary status on initial entry into a  
5 law enforcement agency;

6 (ix) A correctional officer as defined in § 8–201 of the Correctional  
7 Services Article; or

8 (x) Any federal law enforcement officer who exercises the powers set  
9 forth in § 2–104 of the Criminal Procedure Article.

10 [(9)] (11) “Offense” means a violation of the criminal laws of the State or  
11 any political subdivision of the State.

12 [(10)] (12) “Statement of charges” means a charging document, other than  
13 a citation, filed in District Court by a peace officer, a District Court Judge, or a District  
14 Court Commissioner.

15 (b) An application filed in the District Court that requests that a statement of  
16 charges be filed against a law enforcement officer, emergency services personnel, **AN**  
17 **ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER,** or an  
18 educator for an offense allegedly committed in the course of executing the duties of the law  
19 enforcement officer, emergency services personnel, **ADULT PROTECTIVE SERVICES**  
20 **WORKER, CHILD WELFARE CASEWORKER,** or educator shall immediately be forwarded  
21 to the State’s Attorney.

22 (c) (1) Upon receiving an application filed in District Court requesting that a  
23 statement of charges be filed against a law enforcement officer, emergency services  
24 personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE**  
25 **CASEWORKER,** or an educator, the State’s Attorney shall:

26 (i) Investigate the circumstances of the matter; and

27 (ii) Make a recommendation to the District Court Commissioner as  
28 to whether a statement of charges should be filed against the law enforcement officer,  
29 emergency services personnel, **ADULT PROTECTIVE SERVICES WORKER, CHILD**  
30 **WELFARE CASEWORKER,** or the educator.

31 (2) If the State’s Attorney recommends to a District Court Commissioner  
32 that a statement of charges be filed against a law enforcement officer, emergency services  
33 personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE**  
34 **CASEWORKER,** or an educator, the State’s Attorney shall also make a recommendation as  
35 to whether a summons or warrant should issue.

1 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a  
2 statement of charges for an offense allegedly committed in the course of executing the  
3 duties of the law enforcement officer, emergency services personnel, **ADULT PROTECTIVE**  
4 **SERVICES WORKER, CHILD WELFARE CASEWORKER,** or the educator may not be filed  
5 against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE**  
6 **SERVICES WORKER, A CHILD WELFARE CASEWORKER,** or educator until the State's  
7 Attorney has investigated the circumstances of the matter and made recommendations to  
8 the District Court Commissioner in accordance with subsection (c) of this section.

9 (e) This section may not be construed to preclude the State's Attorney from  
10 making a determination that an information should be filed against a law enforcement  
11 officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A**  
12 **CHILD WELFARE CASEWORKER,** or an educator or that a grand jury should be convened  
13 to determine whether an indictment should be filed.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2025.