

SENATE BILL 716

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By: **Senator Folden**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Charging Documents – Law Enforcement**
3 **Officers**

4 FOR the purpose of altering a provision of law relating to charging a law enforcement officer
5 with a crime to include a special police officer for the Maryland Judiciary; and
6 generally relating to charging documents against law enforcement officers.

7 BY repealing and reenacting, without amendments,
8 Article – Courts and Judicial Proceedings
9 Section 2–608(a)(1) and (b) through (e)
10 Annotated Code of Maryland
11 (2020 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Courts and Judicial Proceedings
14 Section 2–608(a)(10)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2025 Supplement)

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

19 **Article – Courts and Judicial Proceedings**

20 2–608.

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

22 (10) “Law enforcement officer” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(ii) The Police Commissioner of Baltimore City;

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

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

(v) The police chief of a municipal corporation;

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

(vii) The sheriff of a county;

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

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

(x) Any federal law enforcement officer who exercises the powers set forth in § 2–104 of the Criminal Procedure Article; **OR**

(XI) A SPECIAL POLICE OFFICER FOR THE MARYLAND JUDICIARY, COMMISSIONED UNDER TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

(b) An application filed in the District Court that requests that a statement of charges be filed against a law enforcement officer, emergency services personnel, an adult protective services worker, a child welfare caseworker, or an educator for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, adult protective services worker, child welfare caseworker, or educator shall immediately be forwarded to the State's Attorney.

(c) (1) Upon receiving an application filed in District Court requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, an adult protective services worker, a child welfare caseworker, or an educator, the State's Attorney shall:

(i) Investigate the circumstances of the matter; and

(ii) Make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the law enforcement officer,

1 emergency services personnel, adult protective services worker, child welfare caseworker,
2 or the educator.

3 (2) If the State's Attorney recommends to a District Court Commissioner
4 that a statement of charges be filed against a law enforcement officer, emergency services
5 personnel, an adult protective services worker, a child welfare caseworker, or an educator,
6 the State's Attorney shall also make a recommendation as to whether a summons or
7 warrant should issue.

8 (d) Notwithstanding any other provision of the Code or the Maryland Rules, a
9 statement of charges for an offense allegedly committed in the course of executing the
10 duties of the law enforcement officer, emergency services personnel, adult protective
11 services worker, child welfare caseworker, or the educator may not be filed against a law
12 enforcement officer, emergency services personnel, an adult protective services worker, a
13 child welfare caseworker, or educator until the State's Attorney has investigated the
14 circumstances of the matter and made recommendations to the District Court
15 Commissioner in accordance with subsection (c) of this section.

16 (e) This section may not be construed to preclude the State's Attorney from
17 making a determination that an information should be filed against a law enforcement
18 officer, emergency services personnel, an adult protective services worker, a child welfare
19 caseworker, or an educator or that a grand jury should be convened to determine whether
20 an indictment should be filed.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2026.