

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1415
Judiciary

(Delegate Moreno)

Public Safety - Law Enforcement Officers - Identification

This bill requires (1) the Maryland Police Training and Standards Commission (MPTSC) to develop a model policy requiring the use of identification by a law enforcement officer in the course of duty and (2) a law enforcement agency with law enforcement officers operating in the State to adopt a policy consistent with the model policy. A law enforcement officer must wear identification on the law enforcement officer's most outer layer of clothing while in the performance of duty in the State. In addition, on request of another, a law enforcement officer must verbally disclose identification while in the performance of duty in the State. A law enforcement officer who knowingly and willfully violates the above identification requirements (1) is guilty of a misdemeanor and on conviction is subject to imprisonment for up to two years and/or a fine of up to \$2,000 and (2) waives all immunity in a civil action for damages based on the violation. In addition, a violation of the bill's identification requirements constitutes police misconduct for purposes of the police accountability and discipline process. The bill's identification requirements do not apply to a law enforcement officer actively engaged in an undercover operation.

Fiscal Summary

State Effect: MPTSC can develop the required model policy with existing resources. Potential minimal increase in general fund revenues and State expenditures (multiple funds) due to the bill's penalty provisions and potential changes to law enforcement uniforms and training, as discussed below.

Local Effect: Potential minimal increase in local revenues and expenditures due to the bill's penalty provisions and potential changes to law enforcement uniforms and training, as discussed below.

Small Business Effect: None.

Analysis

Bill Summary: The model policy developed by MPTSC under the bill must include language affirming the State's interest in promoting public safety, preventing law enforcement impersonation, and promoting transparency and accountability. In addition, the MPTSC model policy must address:

- the size, placement, contrast, and legibility of identification, including requirements to ensure visibility of the identification from a reasonable distance;
- the way identification must be displayed on different types of uniforms, outerwear, and protective clothing, including jackets, vests, and rain gear;
- identification requirements for plainclothes or nonuniformed law enforcement officers when exercising or purporting to exercise law enforcement authority in the State, including the use of removable or temporary identification that can promptly be displayed;
- narrowly tailored circumstances in which identification may be temporarily obscured due to an immediate threat to law enforcement officer safety or public safety and any documentation or after-action reporting required for deviations; and
- training requirements for new and current law enforcement officers on the identification requirements established under the bill.

Current Law: Absent exigent circumstances, at the commencement of a traffic stop or other stop, a police officer must (1) display proper identification to the stopped individual and (2) provide specified identifying information regarding the officer and the reason for the traffic stop or other stop. A police officer's failure to comply with the requirements (1) may be grounds for administrative disciplinary action against the officer and (2) may not serve as the basis for the exclusion of evidence under the exclusionary rule. A police officer may not prohibit or prevent a citizen from recording the police officer's actions if the citizen is otherwise acting lawfully and safely.

Chapter 59 of 2021 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.

For more information regarding the statewide accountability and discipline process for police officers, see the **Appendix – Police Accountability and Discipline Process**.

State Revenues: General fund revenues may increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

State Expenditures:

Incarceration Costs

General fund expenditures may increase minimally as a result of the bill's incarceration penalty due to more people being committed to State correctional facilities for convictions in Baltimore City.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

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MPTSC can develop the required model policy with existing resources.

Other State Entities with Law Enforcement Agencies

State expenditures (multiple fund types) may increase minimally to the extent that the policy developed by MPTSC requires modifications to the existing uniforms issued to law enforcement officers or modifications to training programs.

Local Revenues: Local revenues may increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Local law enforcement agencies may incur administrative and equipment costs to the extent that the policy developed by MPTSC requires modifications to the existing uniforms issued to law enforcement officers or modifications to training programs.

County expenditures may also increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. Per diem operating costs of local detention facilities have ranged from approximately \$140 to \$350 per incarcerated individual in recent years.

Additional Information

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

Designated Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Charles, and Dorchester counties; Washington Suburban Sanitary Commission; City of Laurel; Maryland Municipal League; Town of La Plata; Alcohol, Tobacco, and Cannabis Commission; Comptroller's Office; Maryland State Commission on Criminal Sentencing Policy; 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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Appendix – Police Accountability and Discipline Process

Establishment of Accountability and Discipline Process for Police Officers

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. More detail on the process is discussed below.

A law enforcement agency may not negate or alter any of the requirements relating to Title 3, Subtitle 1 of the Public Safety Article (which addresses police accountability and discipline) through collective bargaining, and collective bargaining may not be used to establish or alter any aspect of the process for disciplining a police officer.

Police Accountability Boards: Each county must have a police accountability board to:

- hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
- appoint civilian members to charging committees and trial boards;
- receive complaints of police misconduct filed by members of the public;
- on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
- by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

In addition, the local governing body must (1) establish the membership of and the budget and staff for a police accountability board; (2) appoint a chair for a police accountability board, as specified; and (3) establish the procedures for recordkeeping by a police accountability board. An active police officer may not be a member, and to the extent practicable, the membership must reflect the racial, gender, and cultural diversity of the county.

Administrative Charging Committees: Each county must have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies in the county, and there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. An administrative charging committee must (1) review the findings of a law enforcement agency's investigation conducted and forwarded, as specified; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix, as specified; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant. An administrative charging committee may request specified information and make specified determinations.

Chapter 59 also established requirements regarding the composition of a county and statewide administrative charging committee. An individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission (MPTSC) before serving as a member of an administrative charging committee.

Investigation of Complaints: An individual may file a complaint of police misconduct with a police accountability board or the law enforcement agency that employs the police officer who is the subject of the complaint. A complaint of police misconduct filed with a police accountability board or the law enforcement agency must include specified information but need not be notarized. If filed with a police accountability board, the complaint must be forwarded to the appropriate law enforcement agency within three days of receipt, and each such complaint by a member of the public must be immediately reviewed by the investigating unit of the law enforcement agency.

On completion of an investigation, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency must forward the investigatory files for the complaint to the appropriate administrative charging committee. For an incident involving a member of the public and a police officer, the process of review and investigation by the investigating unit through disposition by the administrative charging committee must be completed within 395 days after the filing of a complaint by a member of the public.

A law enforcement agency must file any administrative charges arising out of an investigation of alleged police officer misconduct that is not required to be reviewed by an

administrative charging committee within one year and one day after the date that the appropriate official employed by the law enforcement agency, as determined by written policy of the law enforcement agency, became aware of the incident that led to the investigation. However, if alleged police officer misconduct is the subject of a criminal investigation, an administrative charging committee or law enforcement agency must file any administrative charges within one year and one day after the date of (1) the investigating law enforcement agency's timely determination that the matter is not related to criminal activity; (2) the disposition of all criminal charges filed against the police officer; or (3) the administrative charging committee's or law enforcement agency's receipt of timely notice that the appropriate prosecutorial authority declined to file criminal charges.

Disciplinary Matrix: MPTSC must develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State, and each law enforcement agency must adopt the matrix for all matters that may result in discipline of a police officer.

Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency must offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix. The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the administrative charging committee. If the police officer accepts the chief's offer of discipline, the offered discipline must be imposed. However, if the police officer does not accept the chief's offer of discipline, the matter must be referred to a trial board. At least 30 days before a trial board proceeding begins, the police officer must be provided a copy of the investigatory record and notified of the charges against the police officer and the recommended disciplinary action.

Trial Board Process: Each law enforcement agency must establish a trial board process to adjudicate matters for which a police officer is subject to discipline; however, a small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement. Chapter 59 also established requirements regarding the composition of a trial board and requires an individual, before serving as a member of a trial board, to receive training on matters relating to police procedures from MPTSC.

With specified exceptions, proceedings of a trial board must be open to the public. A trial board may administer oaths and issue subpoenas as necessary to complete its work. A complainant has the right to be notified of a trial board hearing and, with specified exceptions, the right to attend a trial board hearing. A police officer may be disciplined

only for cause; with specified exceptions, a law enforcement agency has the burden of proof by a preponderance of the evidence.

Within 45 days after the final hearing by a trial board, the trial board must issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board. Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer, as specified. An appeal taken from a trial board decision must be on the record, and a trial board decision that is not appealed is final.

Suspensions and Terminations: Pending an investigatory, administrative charging committee, and trial board process, the chief may impose an emergency suspension with pay or, for at most 30 days, without pay if the chief determines that such a suspension is in the best interest of the public. If an administrative charging committee determines not to administratively charge a police officer in connection with the matter on which a suspension without pay is based, the police officer is entitled to receive back pay.

A chief or a chief's designee may suspend a police officer without pay and suspend the police officer's police powers on an emergency basis if the police officer is charged with specified crimes. A police officer who was suspended without pay is entitled to receive back pay if the criminal charge or charges against the police officer result in a finding of not guilty, an acquittal, a dismissal, or a *nolle prosequi*.

The chief must terminate the employment of a police officer who is convicted of a felony and may terminate the employment of a police officer who (1) receives a probation before judgment for a felony or (2) is convicted of a misdemeanor committed in the performance of duties as a police officer, misdemeanor second-degree assault, or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

In connection with a disciplinary matter, a police officer may be required to submit to blood alcohol tests; blood, breath, or urine tests for controlled dangerous substances; polygraph examinations; or interrogations that specifically relate to the subject matter of the investigation. If a police officer is required to submit to a test, examination, or interrogation and the police officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal. However, if a police officer is required to submit to a test, examination, interrogation, or polygraph examination, the results are not admissible or discoverable in a criminal proceeding against the police officer and the results of the polygraph examination are also not admissible or discoverable in a civil proceeding against the police officer.

Victims' Rights Advocates: A law enforcement agency must designate an employee as a victims' rights advocate, with specified duties, to act as the contact for the public within the agency on matters related to police misconduct.

Database to Track Complaints: Each law enforcement agency must create a database that enables a complainant to enter the complainant's case number to follow the status of the case, as specified.

Police Officer Rights: Both a police officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with disciplinary proceedings.

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 or acting in an official capacity. 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.

Expungement and Destruction of Records: A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed by a law enforcement agency.