



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
Annapolis Office (410) 260-6100

**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 28, 2023

**BILL NUMBER:** House Bill 582      **POSITION:** Oppose

**BILL TITLE:** Public Safety – Police Accountability – Time Limit for Filing Administrative Charges

**REVIEW AND ANALYSIS**

This legislation requires a law enforcement agency to file administrative charges, not required to be reviewed by an Administrative Charging Committee, within one year from the date of the incident.

Under current law, if an allegation of police misconduct involves a member of the public, the investigation is required to be reviewed by the Administrative Charging Committee (ACC). The process for review and disposition by the ACC has to be completed within 1 year and 1 day after the filing of a complaint by a citizen. Since the repeal of the Law Enforcement Officers Bill of Rights (LEOBR), there are no limitations on how long an agency has to process and prosecute the administrative complaint not involving a member of the public or the ACC.

House Bill 582 restricts the filing of administrative charges against an officer to 1 year and 1 day from the date of the incident. This creates two different standards for the investigation and charging of the officer. From the date of the incident instead of when the law enforcement agency became aware of the misconduct will cause procedural problems for the agencies. Misconduct of an officer may not be known for weeks or even months from the date of incident. As an example, an officer files a false report regarding their performance, enters fake mileage or maintenance reports for their patrol car, or in one case, files phony traffic citations with the courts with made up names and information. These incidents went unnoticed for months. Establishing a statute of limitations retroactively to the date of the incident may mean that an officer is never investigated or administratively charged, allowing a dishonest officer to remain on the force.

Once LEOBR was repealed, so was the statute of limitations. Under LEOBR a police agency was only limited to 1 year and 1 day from when the complaint became known to the agency. HB582 creates a new standard that may be hard to meet and force agencies to keep dishonest officers.

For these reasons, the Maryland Department of State Police urges the Committee to HB 582 an unfavorable report.