



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chair and
Members of the House Judiciary Committee

FROM: Darren Popkin, Executive Director, MCPA-MSA Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee
Natasha Mehu, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 27, 2024

RE: **HB 404 – Law Enforcement – Wellness Checks – Requirements**

POSITION: SUPPORT WITH AMENDMENTS

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) **SUPPORT HB 404 WITH AMENDMENTS**. This bill establishes requirements for law enforcement wellness checks. MCPA and MSA do not have an issue with performing wellness checks or setting a framework for them in law. They urge amendments to ensure that the bill effectively achieves its intent.

Currently, officers perform wellness checks typically when a family member or friend requests an in-person visit out of concern for an individual's well-being. There are no laws mandating wellness checks, rather they are performed according to agency policy and best practices.

HB 404 requires an agency to “immediately” conduct a wellness check once it receives a “qualified request.” The term “immediately” is problematic because the standard is too specific and unattainable. It requires agencies to prioritize responding to a wellness check over anything else that may be happening. In some areas, the few officers on duty may be busy attending to other pressing matters (e.g. fatal accident or homicide) and cannot perform the check immediately. An immediate response may not be achievable in all cases, but a prompt or timely response to a wellness check is critically important.

The bill also lacks qualifications for who may make the request and vague parameters to govern a response. For the protection of the first responders and the individual they are called to check on, agencies perform a preliminary investigation. This helps verify a relationship between the requester and the individual, minimizes the potential for abuse, and protects against wasted time and resources (e.g. false wellness calls or responses to vacant buildings).

Additionally, while an agency should forward a request it receives from outside its jurisdiction to the appropriate agency, they have no power to force an agency to perform the check or to perform it immediately. Notifying the requester of the transfer and the appropriate agency of the request is doable.

To address these concerns, MCPA and MSA respectfully request that HB 404 incorporate the amendments attached to this testimony.

For these reasons, MCPA and MSA **SUPPORT HB 404 WITH AMENDMENTS** and urge a **FAVORABLE** committee report as amended.

532 Baltimore Boulevard, Suite 308
Westminster, Maryland 21157
667-314-3216 / 667-314-3236

HB 404 Amendments

Add to definitions:

(A)(2)

“QUALIFIED REQUEST” MEANS A VERBAL OR WRITTEN REQUEST, THAT INCLUDES SUFFICIENT **CREDIBLE** INFORMATION REGARDING A SPECIFIC ~~LIFE-THREATENING~~ **CONCERN OF A LIFE-THREATENING CONDITION. FOR IMMEDIATE ACTION OR RESPONSE.**

(A) (4)

(4) “INTERESTED PARTY” MEANS A: physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer who has examined the individual, or another interested person.

(A)(3)

“WELLNESS CHECK” MEANS AN IN-PERSON VISIT BY A LAW ENFORCEMENT OFFICER, **FIREFIGHTER, OR EMERGENCY MEDICAL TECHNICIAN**, CONCERNING THE WELL BEING OF AN INDIVIDUAL.

(B) (1)

IF A LAW ENFORCEMENT AGENCY, **FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE** RECEIVES A QUALIFIED REQUEST **FROM AN INTERESTED PARTY** FOR A WELLNESS CHECK OF AN INDIVIDUAL LOCATED IN THE ~~LAW ENFORCEMENT AGENCY’S~~ **RECEIVING ENTITY’S** JURISDICTION, THE ~~LAW ENFORCEMENT AGENCY~~ **RECEIVING ENTITY** SHALL ~~IMMEDIATELY CONDUCT A~~ **CONDUCT A** WELLNESS CHECK OF THE INDIVIDUAL **WITHOUT UNREASONABLE DELAY.**

(B) (2)

IF A LAW ENFORCEMENT AGENCY, **FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE** RECEIVES A QUALIFIED REQUEST **FROM AN INTERESTED PARTY** FOR A WELLNESS CHECK OF AN INDIVIDUAL WHO IS NOT LOCATED IN THE ~~RECEIVING ENTITY’S~~ ~~LAW ENFORCEMENT AGENCY’S~~ JURISDICTION, THE **RECEIVING ENTITY** ~~LAW ENFORCEMENT AGENCY~~ SHALL IMMEDIATELY SUBMIT A REQUEST TO THE **APPROPRIATE LOCAL SERVICE** ~~ENFORCEMENT AGENCY~~ IN THIS STATE OR ANOTHER STATE TO CONDUCT A WELLNESS CHECK OF THE INDIVIDUAL **WITHOUT UNREASONABLE DELAY.**

(C)

A LAW ENFORCEMENT AGENCY, **FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE** THAT RECEIVES A QUALIFIED REQUEST UNDER THIS SECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION REGARDLESS OF WHERE THE INDIVIDUAL OR ENTITY MAKING THE QUALIFIED REQUEST IS LOCATED.