

SENATE BILL 1026

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By: **The President (By Request – Workgroup on Public Safety and Policing) and
Senators Pugh, Guzzone, McFadden, Miller, Ramirez, Raskin, and Zirkin**
Introduced and read first time: February 17, 2016
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety and Policing Workgroup – Recommendations**

3 FOR the purpose of requiring a certain complaint against a law enforcement officer to be
4 signed under the penalty of perjury instead of before an official authorized to
5 administer oaths; authorizing an individual who has a certain video recording to file
6 a certain complaint against a law enforcement officer; altering the time period within
7 which a certain complaint against a law enforcement officer may be filed; altering
8 the number of days that a certain interrogation shall be suspended under certain
9 circumstances; authorizing the appointment to a certain hearing board of a member
10 of the public who has received certain training; requiring that, in the case of a
11 complaint alleging brutality, a certain hearing board consist of certain members,
12 chosen from a certain pool of law enforcement officers in a certain manner; requiring
13 that a certain hearing be open to the public; removing the Police Training
14 Commission from the Department of Public Safety and Correctional Services to
15 become an independent unit in the Executive Department; renaming the Police
16 Training Commission the Maryland Police Training and Standards Commission;
17 repealing certain authority of the Secretary of Public Safety and Correctional
18 Services; altering the composition of the Commission; requiring the election of a
19 chair of the Commission; altering the powers and duties of the Commission;
20 requiring the Commission to develop a certain reporting system by which certain law
21 enforcement agencies shall report certain serious incidents and officer disciplinary
22 actions; requiring the Commission, in consultation with the Department of Health
23 and Mental Hygiene, to develop a certain hotline for certain purposes; requiring the
24 Commission to establish a certain police complaint mediation program; requiring the
25 Commission to develop best practices for the establishment and implementation of
26 certain community policing programs and to develop a system by which each law
27 enforcement agency annually files a certain description of the law enforcement
28 agency's community policing program; requiring the Commission to review certain
29 community policing programs and provide certain feedback regarding the programs;
30 requiring the Commission to develop a certain uniform citizen complaint process;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requiring the Commission to develop and administer a training program on the Law
2 Enforcement Officers' Bill of Rights for certain citizens; adding the submission to a
3 certain psychological evaluation to the requirements for certification as a police
4 officer; prohibiting a law enforcement agency from requiring a certain individual to
5 undergo certain additional training under certain circumstances; requiring each law
6 enforcement agency to require a certain law enforcement officer to file a certain
7 incident report at a certain time, with a certain exception; requiring each law
8 enforcement agency to post certain policies and collective bargaining agreements on
9 certain Web sites; requiring each law enforcement agency to establish a certain
10 policy for counseling certain officers; requiring each law enforcement agency to adopt
11 a certain community policing program and to post and file certain information about
12 the program in a certain manner; requiring each law enforcement agency to annually
13 report certain information to the Commission regarding certain officer-involved
14 incidents and officer discipline; requiring each law enforcement agency to adopt a
15 certain uniform complaint process and post a certain complaint process on its Web
16 site under certain circumstances; establishing the Community Law Enforcement
17 Program Fund as a special, nonlapsing fund; specifying the purpose of the Fund;
18 requiring the Executive Director of the Governor's Office of Crime Control and
19 Prevention to administer the Fund; requiring the State Treasurer to hold the Fund
20 and the Comptroller to account for the Fund; specifying the contents of the Fund;
21 requiring the Governor each fiscal year to include in the annual budget bill an
22 appropriation of a certain amount to the Fund; specifying the purpose for which the
23 Fund may be used; providing for the investment of money in and expenditures from
24 the Fund; requiring the Executive Director to establish a certain application
25 procedure; requiring a local law enforcement agency that makes a certain application
26 to provide the Executive Director with certain information; requiring the Executive
27 Director to make certain grants to certain local law enforcement agencies in a certain
28 manner; requiring local law enforcement agencies to submit certain proof to the
29 Executive Director; providing that money distributed from the Fund is to supplement
30 and not supplant any other funding; requiring the Governor's Office of Crime Control
31 and Prevention and the Commission to provide certain technical assistance to certain
32 law enforcement agencies; requiring the Executive Director to report to the General
33 Assembly on or before a certain date on the distribution of money from the Fund;
34 exempting the Fund from a certain provision of law requiring interest on State
35 money in special funds to accrue to the General Fund of the State; prohibiting a
36 supervisor, an appointing authority, and the head of a certain law enforcement
37 agency from threatening or taking certain retaliatory actions against a certain law
38 enforcement officer who discloses certain information or seeks a certain remedy;
39 providing that certain protections apply to certain disclosures only under certain
40 circumstances; requiring a law enforcement agency to provide certain law
41 enforcement officers a copy of a certain subtitle under certain circumstances;
42 authorizing a certain law enforcement officer to file a civil action against a certain
43 law enforcement agency for certain relief; authorizing the law enforcement officer to
44 seek certain statutory damages instead of certain relief; providing that, under
45 certain circumstances, the law enforcement agency has the burden of proving by
46 clear and convincing evidence that certain personnel actions would have occurred
47 despite a certain disclosure; requiring the trier of fact to consider certain factors in

1 awarding certain statutory damages; authorizing the court to award certain relief
2 and damages to the law enforcement officer under certain circumstances; requiring
3 the court to issue a certain injunction under certain circumstances; authorizing a
4 court to award certain attorney's fees and litigation expenses to a law enforcement
5 agency under certain circumstances; providing that this Act may not be construed to
6 diminish certain rights, privileges, or remedies; requiring the Attorney General to
7 take certain actions for certain purposes; providing that this Act does not preclude
8 certain actions or prohibit certain personnel actions; allowing a subtraction
9 modification under the State income tax for certain income earned by certain law
10 enforcement officers in certain political subdivisions under certain circumstances;
11 requiring the Commission on certain dates to certify to the Comptroller the political
12 subdivisions in which the crime rate exceeds the State's crime rate; providing for the
13 continuity of the terms of office of certain appointed or elected persons; providing for
14 the continuity of certain transactions, rights, duties, titles, and interests; providing
15 for the continuity of the status of certain rules, regulations, and other associated
16 duties and responsibilities affected by this Act; providing for the continuity of certain
17 persons and schools certified by the Commission; providing for the application of this
18 Act; defining certain terms; making conforming changes; and generally relating to
19 public safety and policing.

20 BY repealing and reenacting, with amendments,
21 Article – Correctional Services
22 Section 2-201
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2015 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Public Safety
27 Section 3-104(c) and (j), 3-107, 3-201, 3-202, 3-204, and 3-206 through 3-209
28 Annotated Code of Maryland
29 (2011 Replacement Volume and 2015 Supplement)

30 BY repealing
31 Article – Public Safety
32 Section 3-203
33 Annotated Code of Maryland
34 (2011 Replacement Volume and 2015 Supplement)

35 BY adding to
36 Article – Public Safety
37 Section 3-203 and 3-514 through 3-519; 3-801 through 3-806 to be under the new
38 subtitle “Subtitle 8. Whistleblower Protections”; and 4-601 through 4-604 to
39 be under the new subtitle “Subtitle 6. Community Law Enforcement Program
40 Fund”
41 Annotated Code of Maryland
42 (2011 Replacement Volume and 2015 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(i)
4 Annotated Code of Maryland
5 (2015 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article – State Finance and Procurement
8 Section 6–226(a)(2)(ii)84. and 85.
9 Annotated Code of Maryland
10 (2015 Replacement Volume)

11 BY adding to
12 Article – State Finance and Procurement
13 Section 6–226(a)(2)(ii)86.
14 Annotated Code of Maryland
15 (2015 Replacement Volume)

16 BY repealing and reenacting, without amendments,
17 Article – Tax – General
18 Section 10–207(a)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2015 Supplement)

21 BY adding to
22 Article – Tax – General
23 Section 10–207(cc)
24 Annotated Code of Maryland
25 (2010 Replacement Volume and 2015 Supplement)

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

28 **Article – Correctional Services**

29 2–201.

30 The following units are in the Department:

- 31 (1) the Division of Correction;
- 32 (2) the Division of Parole and Probation;
- 33 (3) the Division of Pretrial Detention and Services;
- 34 (4) the Patuxent Institution;

- 1 (5) the Board of Review for Patuxent Institution;
- 2 (6) the Maryland Commission on Correctional Standards;
- 3 (7) the Correctional Training Commission;
- 4 (8) [the Police Training Commission;
- 5 (9)] the Maryland Parole Commission;
- 6 [(10)] (9) the Criminal Injuries Compensation Board;
- 7 [(11)] (10) the Emergency Number Systems Board;
- 8 [(12)] (11) the Sundry Claims Board;
- 9 [(13)] (12) the Inmate Grievance Office; and
- 10 [(14)] (13) any other unit that by law is declared to be part of the
- 11 Department.

Article – Public Safety

13 3–104.

14 (c) (1) A complaint against a law enforcement officer that alleges brutality in
 15 the execution of the law enforcement officer’s duties may not be investigated unless the
 16 complaint is **SIGNED AND** sworn to, [before an official authorized to administer oaths]
 17 **UNDER PENALTY OF PERJURY**, by:

- 18 (i) the aggrieved individual;
- 19 (ii) a member of the aggrieved individual’s immediate family;
- 20 (iii) an individual with firsthand knowledge obtained because the
- 21 individual:
 - 22 1. was present at and observed the alleged incident; **OR**
 - 23 2. **HAS A VIDEO RECORDING OF THE INCIDENT**; or
 - 24 (iv) the parent or guardian of the minor child, if the alleged incident
 - 25 involves a minor child.

1 (2) Unless a complaint is filed within [90] **366** days after the alleged
2 brutality, an investigation that may lead to disciplinary action under this subtitle for
3 brutality may not be initiated and an action may not be taken.

4 (j) (1) (i) On request, the law enforcement officer under interrogation has
5 the right to be represented by counsel or another responsible representative of the law
6 enforcement officer's choice who shall be present and available for consultation at all times
7 during the interrogation.

8 (ii) The law enforcement officer may waive the right described in
9 subparagraph (i) of this paragraph.

10 (2) (i) The interrogation shall be suspended for a period not exceeding
11 [10] **5** days until representation is obtained.

12 (ii) Within that [10-day] **5-DAY** period, the chief for good cause
13 shown may extend the period for obtaining representation.

14 (3) During the interrogation, the law enforcement officer's counsel or
15 representative may:

16 (i) request a recess at any time to consult with the law enforcement
17 officer;

18 (ii) object to any question posed; and

19 (iii) state on the record outside the presence of the law enforcement
20 officer the reason for the objection.

21 3-107.

22 (a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of
23 this subtitle, if the investigation or interrogation of a law enforcement officer results in a
24 recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar
25 action that is considered punitive, the law enforcement officer is entitled to a hearing on
26 the issues by a hearing board before the law enforcement agency takes that action.

27 (2) A law enforcement officer who has been convicted of a felony is not
28 entitled to a hearing under this section.

29 (b) (1) The law enforcement agency shall give notice to the law enforcement
30 officer of the right to a hearing by a hearing board under this section.

31 (2) The notice required under this subsection shall state the time and place
32 of the hearing and the issues involved.

1 (c) (1) Except as provided in [paragraph (4)] **PARAGRAPHS (4) AND (5)** of
2 this subsection and in § 3-111 of this subtitle, the hearing board authorized under this
3 section shall consist of at least three members who:

4 (i) are appointed by the chief and chosen from law enforcement
5 officers within that law enforcement agency, [or from] law enforcement officers of another
6 law enforcement agency with the approval of the chief of the other agency, **OR MEMBERS**
7 **OF THE PUBLIC WHO HAVE RECEIVED TRAINING ADMINISTERED BY THE MARYLAND**
8 **POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT**
9 **OFFICERS' BILL OF RIGHTS;** and

10 (ii) have had no part in the investigation or interrogation of the law
11 enforcement officer.

12 (2) At least one member of the hearing board shall be **A LAW**
13 **ENFORCEMENT OFFICER** of the same rank as the law enforcement officer against whom
14 the complaint is filed.

15 (3) (i) If the chief is the law enforcement officer under investigation, the
16 chief of another law enforcement agency in the State shall function as the law enforcement
17 officer of the same rank on the hearing board.

18 (ii) If the chief of a State law enforcement agency is under
19 investigation, the Governor shall appoint the chief of another law enforcement agency to
20 function as the law enforcement officer of the same rank on the hearing board.

21 (iii) If the chief of a law enforcement agency of a county or municipal
22 corporation is under investigation, the official authorized to appoint the chief's successor
23 shall appoint the chief of another law enforcement agency to function as the law
24 enforcement officer of the same rank on the hearing board.

25 (iv) If the chief of a State law enforcement agency or the chief of a
26 law enforcement agency of a county or municipal corporation is under investigation, the
27 official authorized to appoint the chief's successor, or that official's designee, shall function
28 as the chief for purposes of this subtitle.

29 (4) (i) A law enforcement agency or the agency's superior governmental
30 authority that has recognized and certified an exclusive collective bargaining
31 representative may negotiate with the representative an alternative method of forming a
32 hearing board.

33 (ii) A law enforcement officer may elect the alternative method of
34 forming a hearing board if:

35 1. the law enforcement officer works in a law enforcement
36 agency described in subparagraph (i) of this paragraph; and

1 where the subpoenaed party resides or conducts business, for an order to compel the
2 attendance and testimony of the witness or the production of the books, papers, records,
3 and documents.

4 (5) On a finding that the attendance and testimony of the witness or the
5 production of the books, papers, records, and documents is relevant or necessary:

6 (i) the court may issue without cost an order that requires the
7 attendance and testimony of witnesses or the production of books, papers, records, and
8 documents; and

9 (ii) failure to obey the order may be punished by the court as
10 contempt.

11 (e) (1) The hearing shall be conducted by a hearing board **AND BE OPEN TO**
12 **THE PUBLIC.**

13 (2) The hearing board shall give the law enforcement agency and law
14 enforcement officer ample opportunity to present evidence and argument about the issues
15 involved.

16 (3) The law enforcement agency and law enforcement officer may be
17 represented by counsel.

18 (4) Each party has the right to cross-examine witnesses who testify and
19 each party may submit rebuttal evidence.

20 (f) (1) Evidence with probative value that is commonly accepted by reasonable
21 and prudent individuals in the conduct of their affairs is admissible and shall be given
22 probative effect.

23 (2) The hearing board shall give effect to the rules of privilege recognized
24 by law and shall exclude incompetent, irrelevant, immaterial, and unduly repetitious
25 evidence.

26 (3) Each record or document that a party desires to use shall be offered and
27 made a part of the record.

28 (4) Documentary evidence may be received in the form of copies or excerpts,
29 or by incorporation by reference.

30 (g) (1) The hearing board may take notice of:

31 (i) judicially cognizable facts; and

32 (ii) general, technical, or scientific facts within its specialized
33 knowledge.

1 (2) The hearing board shall:

2 (i) notify each party of the facts so noticed either before or during
3 the hearing, or by reference in preliminary reports or otherwise; and

4 (ii) give each party an opportunity and reasonable time to contest
5 the facts so noticed.

6 (3) The hearing board may utilize its experience, technical competence, and
7 specialized knowledge in the evaluation of the evidence presented.

8 (h) (1) With respect to the subject of a hearing conducted under this subtitle,
9 the chief shall administer oaths or affirmations and examine individuals under oath.

10 (2) In connection with a disciplinary hearing, the chief or a hearing board
11 may administer oaths.

12 (i) (1) Witness fees and mileage, if claimed, shall be allowed the same as for
13 testimony in a circuit court.

14 (2) Witness fees, mileage, and the actual expenses necessarily incurred in
15 securing the attendance of witnesses and their testimony shall be itemized and paid by the
16 law enforcement agency.

17 (j) An official record, including testimony and exhibits, shall be kept of the
18 hearing.

19 3–201.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) “Commission” means the **MARYLAND** Police Training **AND STANDARDS**
22 Commission.

23 (c) [“Department” means the Department of Public Safety and Correctional
24 Services.

25 (d)] (1) “Law enforcement agency” means a governmental police force, sheriff’s
26 office, or security force or law enforcement organization of the State, a county, or a
27 municipal corporation that by statute, ordinance, or common law is authorized to enforce
28 the general criminal laws of the State.

29 (2) “Law enforcement agency” does not include members of the Maryland
30 National Guard who:

1 (i) are under the control and jurisdiction of the Military
2 Department;

3 (ii) are assigned to the military property designated as the Glenn L.
4 Martin State Airport; and

5 (iii) are charged with exercising police powers in and for the Glenn L.
6 Martin State Airport.

7 **[(e)] (D)** (1) “Police officer” means an individual who:

8 (i) is authorized to enforce the general criminal laws of the State;
9 and

10 (ii) is a member of one of the following law enforcement agencies:

11 1. the Department of State Police;

12 2. the Police Department of Baltimore City;

13 3. the police department, bureau, or force of a county;

14 4. the police department, bureau, or force of a municipal
15 corporation;

16 5. the Maryland Transit Administration police force;

17 6. the Maryland Transportation Authority Police;

18 7. the police forces of the University System of Maryland;

19 8. the police force of Morgan State University;

20 9. the office of the sheriff of a county;

21 10. the police forces of the Department of Natural Resources;

22 11. the police force of the Maryland Capitol Police of the
23 Department of General Services;

24 12. the police force of a State, county, or municipal corporation
25 if the special police officers are appointed under Subtitle 3 of this title;

26 13. the Housing Authority of Baltimore City Police Force;

27 14. the Baltimore City School Police Force;

- 1 15. the Crofton Police Department;
- 2 16. the police force of the Department of Labor, Licensing, and
3 Regulation;
- 4 17. the Washington Suburban Sanitary Commission Police
5 Force;
- 6 18. the Ocean Pines Police Department;
- 7 19. the police force of the Baltimore City Community College;
- 8 20. the police force of the Hagerstown Community College;
- 9 21. the parole and probation employees of the Warrant
10 Apprehension Unit of the Division of Parole and Probation in the Department who are
11 authorized to make arrests; or
- 12 22. the police force of the Anne Arundel Community College.

13 (2) "Police officer" includes:

- 14 (i) a member of the Field Enforcement Bureau of the Comptroller's
15 Office;
- 16 (ii) the State Fire Marshal or a deputy State fire marshal;
- 17 (iii) an investigator of the Intelligence and Investigative Division of
18 the Department;
- 19 (iv) a Montgomery County fire and explosive investigator as defined
20 in § 2–208.1 of the Criminal Procedure Article;
- 21 (v) an Anne Arundel County or City of Annapolis fire and explosive
22 investigator as defined in § 2–208.2 of the Criminal Procedure Article;
- 23 (vi) a Prince George's County fire and explosive investigator as
24 defined in § 2–208.3 of the Criminal Procedure Article;
- 25 (vii) a Worcester County fire and explosive investigator as defined in
26 § 2–208.4 of the Criminal Procedure Article; and
- 27 (viii) a City of Hagerstown fire and explosive investigator as defined
28 in § 2–208.5 of the Criminal Procedure Article.

29 (3) "Police officer" does not include:

1 (i) an individual who serves as a police officer only because the
2 individual occupies another office or position;

3 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
4 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of
5 police, or another individual with an equivalent title who is appointed or employed by a
6 government to exercise equivalent supervisory authority; or

7 (iii) a member of the Maryland National Guard who:

8 1. is under the control and jurisdiction of the Military
9 Department;

10 2. is assigned to the military property designated as the
11 Glenn L. Martin State Airport; and

12 3. is charged with exercising police powers in and for the
13 Glenn L. Martin State Airport.

14 [(f) "Secretary" means the Secretary of Public Safety and Correctional Services.]

15 3-202.

16 There is a **MARYLAND** Police Training **AND STANDARDS** Commission, **WHICH IS**
17 **AN INDEPENDENT UNIT** in the **EXECUTIVE** Department.

18 [3-203.

19 (a) (1) The Commission consists of 16 members.

20 (2) Of the 16 members of the Commission:

21 (i) one shall be the President of the Maryland Chiefs of Police
22 Association;

23 (ii) one shall be the President of the Maryland Sheriffs Association;

24 (iii) one shall be the President of the Maryland Law Enforcement
25 Officers, Inc.;

26 (iv) one shall be the Attorney General of the State;

27 (v) one shall be the Secretary of State Police;

28 (vi) one shall be the Police Commissioner of Baltimore City;

1 (vii) one shall be the Chancellor of the University System of
2 Maryland;

3 (viii) one shall be the agent in charge of the Baltimore office of the FBI;

4 (ix) one shall be the President of the Eastern Shore Police
5 Association;

6 (x) one shall represent the Maryland State Lodge of Fraternal Order
7 of Police;

8 (xi) one shall be the Secretary of Public Safety and Correctional
9 Services;

10 (xii) one shall be the Chairman of the Maryland Municipal League
11 Police Executive Association;

12 (xiii) three shall be police officials of the State appointed under
13 subsection (b) of this section; and

14 (xiv) one shall be the President of the Police Chiefs' Association of
15 Prince George's County.

16 (b) (1) The Secretary shall appoint the three police officials to be members of
17 the Commission with the approval of the Governor and the advice and consent of the
18 Senate.

19 (2) The three members appointed under paragraph (1) of this subsection
20 shall represent different geographic areas of the State.

21 (c) (1) The term of a member who is appointed under subsection (b) of this
22 section is 3 years.

23 (2) The terms of the members who are appointed under subsection (b) of
24 this section are staggered as required by the terms provided for members of the Commission
25 on October 1, 2003.

26 (3) At the end of a term, a member who is appointed under subsection (b)
27 of this section continues to serve until a successor is appointed and qualifies.

28 (4) A member who is appointed after a term has begun serves only for the
29 remainder of the term and until a successor is appointed and qualifies.

30 (d) Except for the three members appointed by the Secretary under subsection (b)
31 of this section, a member of the Commission may serve personally at a Commission meeting
32 or may designate a representative from the member's unit, agency, or association who may
33 act at any meeting to the same effect as if the member were personally present.]

1 **3-203.**

2 (A) **THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**

3 (1) **THE PRESIDENT OF THE MARYLAND CHIEFS OF POLICE**
4 **ASSOCIATION;**

5 (2) **THE PRESIDENT OF THE MARYLAND SHERIFFS ASSOCIATION;**

6 (3) **THE ATTORNEY GENERAL OF THE STATE;**

7 (4) **THE SECRETARY OF STATE POLICE;**

8 (5) **THE AGENT IN CHARGE OF THE BALTIMORE OFFICE OF THE**
9 **FEDERAL BUREAU OF INVESTIGATION;**

10 (6) **ONE MEMBER REPRESENTING THE MARYLAND STATE LODGE OF**
11 **FRATERNAL ORDER OF POLICE;**

12 (7) **ONE MEMBER REPRESENTING THE MARYLAND STATE'S**
13 **ATTORNEYS' ASSOCIATION;**

14 (8) **THE CHAIR OF THE MARYLAND MUNICIPAL LEAGUE POLICE**
15 **EXECUTIVE ASSOCIATION;**

16 (9) **THE EXECUTIVE DIRECTOR OF THE MARYLAND MUNICIPAL**
17 **LEAGUE;**

18 (10) **THE EXECUTIVE DIRECTOR OF THE MARYLAND ASSOCIATION OF**
19 **COUNTIES;**

20 (11) **TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY**
21 **THE PRESIDENT OF THE SENATE;**

22 (12) **TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY**
23 **THE SPEAKER OF THE HOUSE; AND**

24 (13) **THE FOLLOWING INDIVIDUALS, APPOINTED BY THE GOVERNOR**
25 **WITH THE ADVICE AND CONSENT OF THE SENATE:**

26 (I) **THREE POLICE OFFICERS, REPRESENTING DIFFERENT**
27 **GEOGRAPHIC AREAS OF THE STATE;**

1 (II) ONE INDIVIDUAL WITH EXPERTISE IN COMMUNITY
2 POLICING;

3 (III) ONE INDIVIDUAL WITH EXPERTISE IN POLICING
4 STANDARDS;

5 (IV) ONE INDIVIDUAL WITH EXPERTISE IN MENTAL HEALTH; AND

6 (V) TWO CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO
7 LAW ENFORCEMENT.

8 (B) (1) THE TERM OF AN APPOINTED MEMBER IS 3 YEARS.

9 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
10 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON
11 OCTOBER 1, 2016.

12 (3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES TO
13 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
15 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
16 AND QUALIFIES.

17 (C) EXCEPT FOR THE APPOINTED MEMBERS, A MEMBER OF THE
18 COMMISSION MAY SERVE PERSONALLY AT A COMMISSION MEETING OR MAY
19 DESIGNATE A REPRESENTATIVE FROM THE MEMBER'S UNIT, AGENCY, OR
20 ASSOCIATION WHO MAY ACT AT ANY MEETING TO THE SAME EFFECT AS IF THE
21 MEMBER WERE PERSONALLY PRESENT.

22 3-204.

23 [(a) The Secretary of State Police is the chairman of the Commission.

24 (b)] The Commission annually shall elect a [vice chairman] CHAIR AND VICE
25 CHAIR from among its members.

26 3-206.

27 (a) (1) [With the approval of the Secretary, the] THE Commission shall
28 appoint an executive director.

1 (2) The executive director shall perform general administrative and
2 training management functions.

3 (3) The executive director serves at the pleasure of the Commission.

4 (b) (1) [With the approval of the Secretary, the] **THE** Commission shall
5 appoint a deputy director and any other employees that the Commission considers
6 necessary to perform general administrative and training management functions.

7 (2) The deputy director and other employees appointed under paragraph
8 (1) of this subsection shall serve at the pleasure of the Commission.

9 (c) In accordance with the State budget, the Commission may set the
10 compensation of:

11 (1) the executive director and the deputy director; and

12 (2) a Commission employee in a position that:

13 (i) is unique to the Commission;

14 (ii) requires specific skills or experience to perform the duties of the
15 position; and

16 (iii) does not require the employee to perform functions that are
17 comparable to functions performed in other units of the Executive Branch of State
18 government.

19 (d) The Secretary of Budget and Management, in consultation with the
20 Commission, shall determine the positions for which the Commission may set
21 compensation under subsection (c) of this section.

22 3–207.

23 (A) [Subject to the authority of the Secretary, the] **THE** Commission has the
24 following powers and duties:

25 (1) to establish standards for the approval and continuation of approval of
26 schools that conduct police entrance–level and in–service training courses required by the
27 Commission, including State, regional, county, and municipal training schools;

28 (2) to approve and issue certificates of approval to police training schools;

29 (3) to inspect police training schools;

30 (4) to revoke, for cause, the approval or certificate of approval issued to a
31 police training school;

- 1 (5) to establish the following for police training schools:
- 2 (i) curriculum;
- 3 (ii) minimum courses of study;
- 4 (iii) attendance requirements;
- 5 (iv) eligibility requirements;
- 6 (v) equipment and facilities;
- 7 (vi) standards of operation; and
- 8 (vii) minimum qualifications for instructors;
- 9 (6) to require, for entrance-level police training and at least every 3 years
10 for in-service level police training conducted by the State and each county and municipal
11 police training school, that the curriculum and minimum courses of study include special
12 training, attention to, and study of the application and enforcement of:
- 13 (i) the criminal laws concerning rape and sexual offenses, including
14 the sexual abuse and exploitation of children and related evidentiary procedures;
- 15 (ii) the contact with and treatment of victims of crimes and
16 delinquent acts;
- 17 (iii) the notices, services, support, and rights available to victims and
18 victims' representatives under State law; and
- 19 (iv) the notification of victims of identity fraud and related crimes of
20 their rights under federal law;
- 21 (7) to certify and issue appropriate certificates to qualified instructors for
22 police training schools authorized by the Commission to offer police training programs;
- 23 (8) to verify that police officers have satisfactorily completed training
24 programs and issue diplomas to those police officers;
- 25 (9) to conduct and operate police training schools authorized by the
26 Commission to offer police training programs;
- 27 (10) to make a continuous study of entrance-level and in-service training
28 methods and procedures;

1 (11) to consult with and accept the cooperation of any recognized federal,
2 State, or municipal law enforcement agency or educational institution;

3 (12) to consult and cooperate with universities, colleges, and institutions in
4 the State to develop specialized courses of study for police officers in police science and
5 police administration;

6 (13) to consult and cooperate with other agencies and units of the State
7 concerned with police training;

8 (14) to develop, with the cooperation of the Office of the Chief Medical
9 Examiner and the Federal Bureau of Investigation, a uniform missing person report form
10 to be available for use by each law enforcement agency of the State on or before October 1,
11 2008;

12 (15) to require, for entrance-level police training and annually for
13 in-service level police training conducted by the State and each county and municipal police
14 training school, that the curriculum and minimum courses of study include, for police
15 officers who are issued an electronic control device by a law enforcement agency, special
16 training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal
17 Law Article, consistent with established law enforcement standards and federal and State
18 constitutional provisions;

19 (16) to require, for entrance-level police training and, as determined by the
20 Commission, for in-service level training conducted by the State and each county and
21 municipal police training school, that the curriculum and minimum courses of study
22 include, consistent with established law enforcement standards and federal and State
23 constitutional provisions:

24 (i) training in lifesaving techniques, including Cardiopulmonary
25 Resuscitation (CPR);

26 (ii) training in the proper level and use of force;

27 (iii) training regarding sensitivity to cultural and gender diversity;
28 and

29 (iv) training regarding individuals with physical, intellectual,
30 developmental, and psychiatric disabilities;

31 **(17) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT**
32 **LEAST EVERY 2 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY**
33 **THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT**
34 **THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING,**
35 **ATTENTION TO, AND STUDY OF THE APPLICATION OF ANTIDISCRIMINATION AND USE**
36 **OF FORCE DE-ESCALATION TRAINING;**

1 ~~[(17)] (18)~~ to develop, with the cooperation of the Office of the Attorney
2 General, the Governor's Office of Crime Control and Prevention, and the Federal Trade
3 Commission, a uniform identity fraud reporting form that:

4 (i) makes transmitted data available on or before October 1, 2011,
5 for use by each law enforcement agency of State and local government; and

6 (ii) may authorize the data to be transmitted to the Consumer
7 Sentinel program in the Federal Trade Commission; ~~[and]~~

8 **(19) TO REVIEW THE NATIONAL INSTITUTE OF JUSTICE EXAMPLE USE**
9 **OF FORCE CONTINUUM AND ADOPT, IN REGULATION, A SET OF BEST PRACTICES AND**
10 **STANDARDS FOR USE OF FORCE;**

11 **(20) TO EVALUATE AND MODERNIZE RECRUITMENT STANDARDS AND**
12 **PRACTICES OF LAW ENFORCEMENT AGENCIES TO INCREASE DIVERSITY WITHIN**
13 **THOSE LAW ENFORCEMENT AGENCIES AND DEVELOP MEDIA STRATEGIES FOR**
14 **RECRUITING WOMEN AND AFRICAN AMERICAN, HISPANIC OR LATINO, AND OTHER**
15 **MINORITY CANDIDATES;**

16 **(21) TO DEVELOP STANDARDS FOR:**

17 **(I) THE MANDATORY PSYCHOLOGICAL EVALUATION OF A LAW**
18 **ENFORCEMENT OFFICER WHO HAS BEEN INVOLVED IN A TRAUMATIC INCIDENT OR**
19 **HAS RETURNED FROM COMBAT DEPLOYMENT; AND**

20 **(II) THE PERIODIC PSYCHOLOGICAL EVALUATION OF ALL LAW**
21 **ENFORCEMENT OFFICERS; AND**

22 ~~[(18)] (22)~~ to perform any other act that is necessary or appropriate to carry
23 out the powers and duties of the Commission under this subtitle.

24 **(B) (1) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH LAW**
25 **ENFORCEMENT AGENCIES REPORT TO THE COMMISSION ON THE NUMBER OF**
26 **SERIOUS OFFICER-INVOLVED INCIDENTS EACH YEAR, THE NUMBER OF OFFICERS**
27 **DISCIPLINED EACH YEAR, AND THE TYPE OF DISCIPLINE ADMINISTERED TO THOSE**
28 **OFFICERS.**

29 **(2) THE COMMISSION SHALL ANNUALLY SUMMARIZE THE**
30 **INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES AND:**

31 **(I) POST THE SUMMARY ON A WEB SITE MAINTAINED BY THE**
32 **COMMISSION; AND**

1 **(II) SUBMIT THE SUMMARY TO THE GENERAL ASSEMBLY, AS**
2 **PROVIDED IN § 2-1246 OF THE STATE GOVERNMENT ARTICLE.**

3 **(C) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND MENTAL**
4 **HYGIENE, THE COMMISSION SHALL ESTABLISH A CONFIDENTIAL HOTLINE THAT IS**
5 **AVAILABLE FOR POLICE OFFICERS AND OTHER LAW ENFORCEMENT PERSONNEL TO**
6 **CONTACT AND SPEAK WITH A TRAINED PEER LAW ENFORCEMENT OFFICER OR A**
7 **MENTAL HEALTH PROFESSIONAL WHO MAY PROVIDE INITIAL COUNSELING ADVICE**
8 **AND CONFIDENTIAL REFERRAL TO APPROPRIATE SERVICES.**

9 **(D) THE COMMISSION SHALL:**

10 **(1) ESTABLISH A POLICE COMPLAINT MEDIATION PROGRAM TO**
11 **WHICH A LAW ENFORCEMENT AGENCY MAY REFER A NONVIOLENT COMPLAINT MADE**
12 **AGAINST A POLICE OFFICER OUT OF THE STANDARD COMPLAINT PROCESS;**

13 **(2) REFER A COMPLAINT REFERRED TO THE PROGRAM TO**
14 **VOLUNTARY MEDIATION CONDUCTED BY AN INDEPENDENT MEDIATION SERVICE;**
15 **AND**

16 **(3) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM, INCLUDING**
17 **CRITERIA CONCERNING ELIGIBILITY FOR REFERRAL OF COMPLAINTS.**

18 **(E) (1) THE COMMISSION SHALL DEVELOP BEST PRACTICES FOR THE**
19 **ESTABLISHMENT AND IMPLEMENTATION OF A COMMUNITY POLICING PROGRAM IN**
20 **EACH JURISDICTION.**

21 **(2) THE COMMISSION SHALL DEVELOP A SYSTEM BY WHICH EACH**
22 **LAW ENFORCEMENT AGENCY ANNUALLY FILES A DETAILED DESCRIPTION OF THE**
23 **LAW ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM.**

24 **(3) THE COMMISSION SHALL ANNUALLY:**

25 **(I) REVIEW EACH COMMUNITY POLICING PROGRAM FILED IN**
26 **ACCORDANCE WITH § 3-517 OF THIS TITLE; AND**

27 **(II) PROVIDE EACH AGENCY WITH ANY COMMENTS THAT THE**
28 **COMMISSION HAS TO IMPROVE THE AGENCY'S COMMUNITY POLICING PROGRAM.**

29 **(F) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN**
30 **COMPLAINT PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT AGENCY.**

1 **(2) THE UNIFORM COMPLAINT PROCESS SHALL:**

2 **(I) BE SIMPLE;**

3 **(II) REQUIRE A COMPLAINANT TO PROVIDE IDENTIFICATION TO**
4 **AN EXTENT SUFFICIENT FOR THE LAW ENFORCEMENT AGENCY IN QUESTION TO**
5 **CONTACT THE COMPLAINANT TO VERIFY THE LEGITIMACY OF THE COMPLAINT;**

6 **(III) REQUIRE THAT A COMPLAINANT BE INFORMED OF THE**
7 **FINAL DISPOSITION OF THE COMPLAINANT'S COMPLAINT; AND**

8 **(IV) BE POSTED ON THE WEB SITES OF THE COMMISSION AND**
9 **EACH LAW ENFORCEMENT AGENCY.**

10 **(G) THE COMMISSION SHALL DEVELOP AND ADMINISTER A TRAINING**
11 **PROGRAM ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS FOR CITIZENS**
12 **WHO INTEND TO QUALIFY TO PARTICIPATE AS A MEMBER OF A HEARING BOARD**
13 **UNDER § 3-107 OF THIS TITLE.**

14 3-208.

15 [Subject to the authority of the Secretary, the] **THE** Commission has the following
16 powers and duties:

17 (1) to adopt regulations necessary or appropriate to carry out this subtitle;
18 and

19 (2) to adopt regulations that establish and enforce standards for prior
20 substance abuse by individuals applying for certification as a police officer.

21 3-209.

22 (a) The Commission shall certify as a police officer each individual who:

23 (1) (i) satisfactorily meets the standards of the Commission; or

24 (ii) provides the Commission with sufficient evidence that the
25 individual has satisfactorily completed a training program in another state of equal quality
26 and content as required by the Commission; [and]

27 (2) **SUBMITS TO A PSYCHOLOGICAL EVALUATION BY A PSYCHOLOGIST**
28 **APPROVED BY THE COMMISSION; AND**

29 **(3) submits to a criminal history records check in accordance with §**
30 **3-209.1 of this subtitle.**

1 (b) The Commission may certify as a police officer an individual who is not
2 considered a police officer under § 3–201(e)(3) of this subtitle if the individual meets the
3 selection and training standards of the Commission.

4 (c) Each certificate issued to a police officer under this subtitle remains the
5 property of the Commission.

6 (D) IF THE COMMISSION HAS PREVIOUSLY CERTIFIED AN INDIVIDUAL AS A
7 POLICE OFFICER, A LAW ENFORCEMENT AGENCY MAY NOT REQUIRE THE
8 INDIVIDUAL TO UNDERGO ADDITIONAL ENTRANCE–LEVEL POLICE TRAINING.

9 **3–514.**

10 EACH LAW ENFORCEMENT AGENCY SHALL REQUIRE A LAW ENFORCEMENT
11 OFFICER WHO WAS INVOLVED IN A USE OF FORCE INCIDENT IN THE LINE OF DUTY
12 TO FILE AN INCIDENT REPORT REGARDING THE USE OF FORCE BY THE END OF THE
13 OFFICER’S SHIFT UNLESS THE OFFICER IS DISABLED.

14 **3–515.**

15 EACH LAW ENFORCEMENT AGENCY SHALL POST ALL OF THE OFFICIAL
16 POLICIES OF THE LAW ENFORCEMENT AGENCY, INCLUDING PUBLIC COMPLAINT
17 PROCEDURES AND COLLECTIVE BARGAINING AGREEMENTS:

18 (1) ON THE WEB SITE OF THE MARYLAND POLICE TRAINING AND
19 STANDARDS COMMISSION; AND

20 (2) ON THE AGENCY’S OWN WEB SITE IF THE AGENCY MAINTAINS A
21 WEB SITE.

22 **3–516.**

23 (A) EACH LAW ENFORCEMENT AGENCY SHALL ESTABLISH A CONFIDENTIAL
24 AND NONPUNITIVE EARLY INTERVENTION POLICY FOR COUNSELING OFFICERS WHO
25 RECEIVE THREE OR MORE CITIZEN COMPLAINTS WITHIN A 12–MONTH PERIOD.

26 (B) A POLICY DESCRIBED IN THIS SECTION MAY NOT PREVENT THE
27 INVESTIGATION OF OR IMPOSITION OF DISCIPLINE FOR ANY PARTICULAR
28 COMPLAINT.

29 **3–517.**

1 **(A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT A COMMUNITY**
2 **POLICING PROGRAM IN ACCORDANCE WITH BEST PRACTICES DEVELOPED BY THE**
3 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

4 **(B) EACH LAW ENFORCEMENT AGENCY SHALL:**

5 **(1) POST A DETAILED DESCRIPTION OF THE LAW ENFORCEMENT**
6 **AGENCY'S COMMUNITY POLICING PROGRAM ON THE INTERNET IN ACCORDANCE**
7 **WITH § 3-515 OF THIS SUBTITLE; AND**

8 **(2) ANNUALLY FILE A DETAILED DESCRIPTION OF THE LAW**
9 **ENFORCEMENT AGENCY'S COMMUNITY POLICING PROGRAM WITH THE MARYLAND**
10 **POLICE TRAINING AND STANDARDS COMMISSION, IN ACCORDANCE WITH § 3-207**
11 **OF THIS TITLE.**

12 **3-518.**

13 **EACH LAW ENFORCEMENT AGENCY SHALL ANNUALLY REPORT TO THE**
14 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN ACCORDANCE**
15 **WITH § 3-207 OF THIS TITLE:**

16 **(1) THE NUMBER OF SERIOUS OFFICER-INVOLVED INCIDENTS;**

17 **(2) THE NUMBER OF OFFICERS DISCIPLINED; AND**

18 **(3) THE TYPE OF DISCIPLINE ADMINISTERED TO EACH OFFICER WHO**
19 **WAS DISCIPLINED.**

20 **3-519.**

21 **(A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM**
22 **CITIZEN COMPLAINT PROCESS DEVELOPED BY THE MARYLAND POLICE TRAINING**
23 **AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE.**

24 **(B) A LAW ENFORCEMENT AGENCY SHALL POST THE AGENCY'S CITIZEN**
25 **COMPLAINT PROCESS ON THE AGENCY'S WEB SITE IF THE AGENCY MAINTAINS A**
26 **WEB SITE.**

27 **SUBTITLE 6. COMMUNITY LAW ENFORCEMENT PROGRAM FUND.**

28 **4-601.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) “COMMUNITY LAW ENFORCEMENT PROGRAM” MEANS A PROGRAM THAT
4 IS ESTABLISHED AND SPONSORED BY A LOCAL LAW ENFORCEMENT AGENCY TO:

5 (1) PROVIDE RECREATIONAL OR ATHLETIC OPPORTUNITIES FOR
6 MEMBERS OF THE COMMUNITY;

7 (2) IMPROVE RELATIONS BETWEEN CITIZENS AND LAW
8 ENFORCEMENT; OR

9 (3) OTHERWISE BENEFIT OR IMPROVE THE COMMUNITY.

10 (C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
11 GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

12 (D) “FUND” MEANS THE COMMUNITY LAW ENFORCEMENT PROGRAM
13 FUND.

14 (E) “LOCAL LAW ENFORCEMENT AGENCY” MEANS THE POLICE
15 DEPARTMENT OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE.

16 **4-602.**

17 (A) THERE IS A COMMUNITY LAW ENFORCEMENT PROGRAM FUND.

18 (B) THE PURPOSE OF THE FUND IS TO ASSIST LOCAL LAW ENFORCEMENT
19 AGENCIES IN ESTABLISHING COMMUNITY LAW ENFORCEMENT PROGRAMS.

20 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

21 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
22 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

23 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY
24 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND, IN CONJUNCTION WITH
25 THE EXECUTIVE DIRECTOR.

26 (E) (1) THE FUND CONSISTS OF:

27 (I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE
28 FUND;

1 (II) INVESTMENT EARNINGS OF THE FUND; AND

2 (III) MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
3 BENEFIT OF THE FUND.

4 (2) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER,
5 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION
6 TO THE FUND OF \$500,000.

7 (F) (1) THE FUND MAY BE USED ONLY TO MAKE GRANTS AS PROVIDED
8 UNDER THIS SUBTITLE.

9 (2) THE FUND MAY NOT BE USED FOR ADMINISTRATIVE EXPENSES.

10 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
11 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
13 THE FUND.

14 4-603.

15 (A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR
16 LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR MONEY FROM THE FUND.

17 (B) A LOCAL LAW ENFORCEMENT AGENCY THAT APPLIES FOR MONEY FROM
18 THE FUND SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH:

19 (1) A DESCRIPTION OF THE ACTIVITIES AND FUNCTIONS OF THE
20 COMMUNITY LAW ENFORCEMENT PROGRAM FOR WHICH THE MONEY IS REQUESTED;

21 (2) THE ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE
22 COMMUNITY LAW ENFORCEMENT PROGRAM;

23 (3) THE NUMBER OF PARTICIPANTS IN THE COMMUNITY LAW
24 ENFORCEMENT PROGRAM; AND

25 (4) ANY OTHER INFORMATION THAT THE EXECUTIVE DIRECTOR
26 CONSIDERS NECESSARY.

1 **(C) (1) THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS FROM THE**
2 **FUND TO LOCAL LAW ENFORCEMENT AGENCIES TO SUPPORT COMMUNITY LAW**
3 **ENFORCEMENT PROGRAMS.**

4 **(2) THE AMOUNT OF EACH GRANT SHALL BE IN PROPORTION TO THE**
5 **NUMBER OF LAW ENFORCEMENT AGENCIES THAT APPLY FOR MONEY FROM THE**
6 **FUND.**

7 **(D) THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE**
8 **EXECUTIVE DIRECTOR PROOF OF EXPENDITURES OF THE GRANT FOR THE**
9 **COMMUNITY LAW ENFORCEMENT PROGRAM.**

10 **(E) MONEY DISTRIBUTED UNDER THIS SUBTITLE SHALL BE USED TO**
11 **SUPPLEMENT AND NOT SUPPLANT ANY OTHER FUNDING FOR A COMMUNITY LAW**
12 **ENFORCEMENT PROGRAM.**

13 **(F) THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND**
14 **THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL PROVIDE**
15 **TECHNICAL ASSISTANCE TO LAW ENFORCEMENT AGENCIES IN APPLYING FOR:**

16 **(1) MONEY FROM THE FUND; OR**

17 **(2) OTHER FEDERAL, STATE, OR PRIVATE GRANTS FOR COMMUNITY**
18 **LAW ENFORCEMENT PROGRAMS.**

19 **4-604.**

20 **ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE EXECUTIVE DIRECTOR SHALL**
21 **REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE**
22 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF**
23 **MONEY UNDER THIS SUBTITLE.**

24 **Article – State Finance and Procurement**

25 **6-226.**

26 **(a) (2) (i) Notwithstanding any other provision of law, and unless**
27 **inconsistent with a federal law, grant agreement, or other federal requirement or with the**
28 **terms of a gift or settlement agreement, net interest on all State money allocated by the**
29 **State Treasurer under this section to special funds or accounts, and otherwise entitled to**
30 **receive interest earnings, as accounted for by the Comptroller, shall accrue to the General**
31 **Fund of the State.**

1 (ii) The provisions of subparagraph (i) of this paragraph do not apply
2 to the following funds:

3 84. the Economic Development Marketing Fund; [and]

4 85. the Military Personnel and Veteran-Owned Small
5 Business No-Interest Loan Fund; AND

6 **86. THE COMMUNITY LAW ENFORCEMENT PROGRAM**
7 **FUND.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
9 as follows:

10 **Article – Public Safety**

11 **SUBTITLE 8. WHISTLEBLOWER PROTECTIONS.**

12 **3-801.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-101
16 OF THIS TITLE.

17 (C) “RETALIATORY ACTION” INCLUDES ANY RECOMMENDED, THREATENED,
18 OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:

19 (1) TERMINATION, DEMOTION, SUSPENSION, OR REPRIMAND;

20 (2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN
21 ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND LESS
22 FAVORABLE;

23 (3) FAILURE TO PROMOTE, HIRE, OR TAKE OTHER FAVORABLE
24 PERSONNEL ACTION;

25 (4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A
26 REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES
27 PROTECTED UNDER THIS SUBTITLE; OR

1 **(5) RETALIATING IN ANY OTHER MANNER AGAINST A LAW**
2 **ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT OFFICER MAKES A**
3 **DISCLOSURE PROTECTED UNDER THIS SUBTITLE.**

4 **3-802.**

5 **(A) THIS SUBTITLE DOES NOT PRECLUDE AN ACTION FOR DEFAMATION OR**
6 **INVASION OF PRIVACY.**

7 **(B) THIS SUBTITLE DOES NOT PROHIBIT A PERSONNEL ACTION THAT**
8 **WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF INFORMATION.**

9 **3-803.**

10 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN**
11 **APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT**
12 **THREATEN OR TAKE A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT**
13 **OFFICER WHO:**

14 **(1) DISCLOSES INFORMATION THAT THE LAW ENFORCEMENT**
15 **OFFICER REASONABLY BELIEVES PROVIDES EVIDENCE OF:**

16 **(I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR A**
17 **GROSS WASTE OF MONEY;**

18 **(II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH**
19 **OR SAFETY; OR**

20 **(III) A VIOLATION OF LAW; OR**

21 **(2) FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SUBSECTION,**
22 **SEEKS A REMEDY PROVIDED UNDER THIS SUBTITLE OR ANY OTHER LAW OR POLICY**
23 **GOVERNING THE LAW ENFORCEMENT AGENCY.**

24 **(B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS**
25 **OTHERWISE PROHIBITED BY LAW OR A DISCLOSURE OF INFORMATION THAT IS**
26 **CONFIDENTIAL BY LAW ONLY IF THE DISCLOSURE:**

27 **(1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL;**

28 **(2) IS IN WRITING; AND**

29 **(3) CONTAINS:**

1 **(I) THE DATE OF THE DISCLOSURE;**

2 **(II) THE NAME OF THE LAW ENFORCEMENT OFFICER MAKING**
3 **THE DISCLOSURE;**

4 **(III) THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE**
5 **OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER; AND**

6 **(IV) IF POSSIBLE, THE DATE OR RANGE OF DATES ON WHICH THE**
7 **ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF**
8 **MONEY, OR DANGER OCCURRED.**

9 **3-804.**

10 **(A) ON REQUEST OF A LAW ENFORCEMENT OFFICER, THE LAW**
11 **ENFORCEMENT AGENCY SHALL PROVIDE THE LAW ENFORCEMENT OFFICER A COPY**
12 **OF THIS SUBTITLE.**

13 **(B) IF A LAW ENFORCEMENT OFFICER ALLEGES THAT A RETALIATORY**
14 **ACTION HAS OCCURRED, THE LAW ENFORCEMENT AGENCY SHALL PROVIDE THE LAW**
15 **ENFORCEMENT OFFICER WHO IS SUBJECT TO THE ALLEGED RETALIATORY ACTION**
16 **A COPY OF THIS SUBTITLE.**

17 **3-805.**

18 **(A) A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION OF § 3-803**
19 **OF THIS SUBTITLE MAY BRING A CIVIL ACTION AGAINST THE LAW ENFORCEMENT**
20 **AGENCY FOR EQUITABLE RELIEF OR DAMAGES.**

21 **(B) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION,**
22 **IF THE LAW ENFORCEMENT OFFICER DEMONSTRATES BY A PREPONDERANCE OF**
23 **THE EVIDENCE THAT THE DISCLOSURE OF INFORMATION WAS A CONTRIBUTING**
24 **FACTOR IN THE ALLEGED RETALIATORY ACTION AGAINST THE LAW ENFORCEMENT**
25 **OFFICER, THE LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROVING BY**
26 **CLEAR AND CONVINCING EVIDENCE THAT THE PERSONNEL ACTION WOULD HAVE**
27 **OCCURRED FOR LEGITIMATE REASONS EVEN IF THE LAW ENFORCEMENT OFFICER**
28 **HAD NOT MADE THE DISCLOSURE.**

29 **(C) (1) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS**
30 **SECTION, A LAW ENFORCEMENT OFFICER MAY SEEK, INSTEAD OF REINSTATEMENT**
31 **AND BACK PAY, STATUTORY DAMAGES IN THE AMOUNT OF NOT LESS THAN \$5,000**
32 **FOR EACH INSTANCE OF RETALIATORY ACTION.**

1 **(2) IN AWARDING STATUTORY DAMAGES UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION, THE TRIER OF FACT SHALL CONSIDER THE SEVERITY OF THE**
3 **PROHIBITED RETALIATORY ACTION AND THE PURPOSES OF THIS SUBTITLE.**

4 **(D) IF THE TRIER OF FACT DETERMINES THAT THE LAW ENFORCEMENT**
5 **OFFICER IS ENTITLED TO EQUITABLE RELIEF OR DAMAGES IN A CIVIL ACTION**
6 **BROUGHT UNDER THIS SECTION, THE COURT MAY:**

7 **(1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL**
8 **INFORMATION FROM THE LAW ENFORCEMENT OFFICER'S PERSONNEL RECORDS;**

9 **(2) (I) ORDER THE LAW ENFORCEMENT AGENCY TO REINSTATE**
10 **THE LAW ENFORCEMENT OFFICER TO THE SAME OR EQUIVALENT EMPLOYMENT**
11 **WITH ANY APPLICABLE BENEFITS AND SENIORITY RIGHTS; OR**

12 **(II) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY**
13 **DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND**

14 **(3) AWARD THE LAW ENFORCEMENT OFFICER:**

15 **(I) COMPENSATION FOR ALL LOST REMUNERATION; AND**

16 **(II) REASONABLE ATTORNEY'S FEES AND COSTS.**

17 **(E) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION (D) OF THIS**
18 **SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT AGENCY AN**
19 **INJUNCTION AGAINST ANY CONTINUING VIOLATIONS OF THIS SUBTITLE.**

20 **(F) IF THE COURT DETERMINES THAT A CIVIL ACTION UNDER SUBSECTION**
21 **(A) OF THIS SECTION WAS BROUGHT BY A LAW ENFORCEMENT OFFICER IN BAD FAITH**
22 **OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY AWARD REASONABLE**
23 **ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES TO THE LAW ENFORCEMENT**
24 **AGENCY.**

25 **(G) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS,**
26 **PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED UNDER**
27 **ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING**
28 **AGREEMENT.**

29 **3-806.**

30 **FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:**

1 **(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION**
2 **INCLUDES THE FIRST \$5,000 OF INCOME EARNED BY A LAW ENFORCEMENT OFFICER**
3 **IF:**

4 **(I) THE LAW ENFORCEMENT OFFICER RESIDES IN THE**
5 **POLITICAL SUBDIVISION IN WHICH THE LAW ENFORCEMENT OFFICER IS EMPLOYED;**
6 **AND**

7 **(II) THE CRIME RATE IN THE POLITICAL SUBDIVISION EXCEEDS**
8 **THE STATE'S CRIME RATE.**

9 **(3) ON OR BEFORE SEPTEMBER 1, 2016, AND EVERY 3 YEARS**
10 **THEREAFTER, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION**
11 **SHALL CERTIFY TO THE COMPTROLLER THE POLITICAL SUBDIVISIONS IN WHICH**
12 **THE CRIME RATE EXCEEDS THE STATE'S CRIME RATE.**

13 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial
14 appointed members of the Maryland Police Training and Standards Commission shall
15 expire as follows:

16 (1) four members in 2017;

17 (2) four members in 2018; and

18 (3) four members in 2019.

19 SECTION 5. AND BE IT FURTHER ENACTED, That any transaction affected by
20 or flowing from any statute amended, repealed, or transferred, and validly entered into
21 before the effective date of this Act and every right, duty, or interest flowing from it remains
22 valid after the effective date and may be terminated, completed, consummated, or enforced
23 pursuant to law.

24 SECTION 6. AND BE IT FURTHER ENACTED, That any rules and regulations,
25 standards, guidelines, orders and other directives, forms, plans, memberships, funds,
26 appropriations, contracts properties, administrative and judicial proceedings, rights to sue
27 and be sued, and other duties and responsibilities associated with those functions affected
28 by this Act shall continue in effect until completed, withdrawn, canceled, modified, or
29 otherwise changed in accordance with law.

30 SECTION 7. AND BE IT FURTHER ENACTED, That any person or school issued a
31 certificate by the Police Training Commission is considered for all purposes to be continued
32 under this Act for the duration of the term for which the certificate was issued unless
33 otherwise provided by law.

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1 SECTION 8. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have any
3 effect on or application to any cause of action arising before the effective date of this Act.

4 SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall be
5 applicable to all taxable years beginning after December 31, 2015.

6 SECTION 10. AND BE IT FURTHER ENACTED, That Sections 1 and 2 of this Act
7 shall take effect October 1, 2016.

8 SECTION 11. AND BE IT FURTHER ENACTED, That, except as provided in
9 Section 10 of this Act, this Act shall take effect July 1, 2016.