

SENATE BILL 260

E4

1lr1525

(PRE-FILED)

By: **Senator Ellis**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Police Officers’ Performance Review Board**

3 FOR the purpose of establishing the Police Officers’ Performance Review Board as an
4 independent board that functions in the Department of Public Safety and
5 Correctional Services; providing for the membership, terms, chair, quorum,
6 meetings, and duties of the Board; prohibiting the chief of a law enforcement agency
7 from overriding the actions of the Board; authorizing the Board to hold hearings,
8 administer oaths, and hear testimony of witnesses under certain circumstances;
9 providing that a police officer has the burden of proof in a certain hearing; specifying
10 the terms of the initial members of the Board; defining certain terms; and generally
11 relating to the Police Officers’ Performance Review Board.

12 BY adding to

13 Article – Public Safety

14 Section 3–801 through 3–806 to be under the new subtitle “Subtitle 8. Police Officers’
15 Performance Review Board”

16 Annotated Code of Maryland

17 (2018 Replacement Volume and 2020 Supplement)

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

20 **Article – Public Safety**

21 **SUBTITLE 8. POLICE OFFICERS’ PERFORMANCE REVIEW BOARD.**

22 **3–801.**

23 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 INDICATED.

2 (B) "BOARD" MEANS THE POLICE OFFICERS' PERFORMANCE REVIEW
3 BOARD.

4 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC SAFETY AND
5 CORRECTIONAL SERVICES.

6 (D) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201
7 OF THIS TITLE.

8 (E) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS
9 TITLE.

10 3-802.

11 THERE IS A POLICE OFFICERS' PERFORMANCE REVIEW BOARD, WHICH IS AN
12 INDEPENDENT BOARD THAT FUNCTIONS IN THE DEPARTMENT.

13 3-803.

14 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

15 (1) THREE CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO LAW
16 ENFORCEMENT APPOINTED BY THE GOVERNOR;

17 (2) THREE CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO LAW
18 ENFORCEMENT APPOINTED BY THE PRESIDENT OF THE SENATE; AND

19 (3) THREE CITIZENS OF THE STATE WITHOUT RELATIONSHIPS TO LAW
20 ENFORCEMENT APPOINTED BY THE SPEAKER OF THE HOUSE.

21 (B) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

22 (2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS
23 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1,
24 2021.

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

27 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
28 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED

1 AND QUALIFIES.

2 **3-804.**

3 (A) IN EACH ODD-NUMBERED YEAR, THE PRESIDENT OF THE SENATE
4 SHALL DESIGNATE, FROM AMONG THE MEMBERS OF THE BOARD, A CHAIR TO SERVE
5 FOR A 1-YEAR PERIOD.

6 (B) IN EACH EVEN-NUMBERED YEAR, THE SPEAKER OF THE HOUSE SHALL
7 DESIGNATE, FROM AMONG THE MEMBERS OF THE BOARD, A CHAIR TO SERVE FOR A
8 1-YEAR PERIOD.

9 **3-805.**

10 (A) A MAJORITY OF THE BOARD IS A QUORUM.

11 (B) THE BOARD SHALL MEET IN THE STATE AT THE TIMES AND IN THE
12 MANNER THAT IT OR ITS CHAIRMAN DETERMINES.

13 (C) A MEMBER OF THE BOARD:

14 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;
15 BUT

16 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
17 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

18 (D) THE BOARD SHALL:

19 (1) MAINTAIN MINUTES OF ITS MEETINGS AND ANY OTHER RECORDS
20 THAT IT CONSIDERS NECESSARY; AND

21 (2) PROVIDE INFORMATION, ON REQUEST, REGARDING THE BUDGET,
22 ACTIVITIES, AND PROGRAMS OF THE BOARD.

23 **3-806.**

24 (A) THE BOARD SHALL:

25 (1) REQUIRE THAT EACH LAW ENFORCEMENT AGENCY IN THE STATE
26 COLLECT DEMOGRAPHIC DATA ON ALL CITIZEN ENCOUNTERS WITH POLICE
27 OFFICERS THAT IS TRACEABLE TO EACH INDIVIDUAL POLICE OFFICER;

1 **(2) ESTABLISH STANDARDS FOR APPROPRIATE RACE NEUTRAL**
2 **BEHAVIORS FOR POLICE INTERACTIONS WITH CITIZENS;**

3 **(3) CONDUCT ANNUAL REVIEWS OF POLICE OFFICER PERFORMANCE;**
4 **AND**

5 **(4) IMPOSE SANCTIONS FOR RACIALLY DISCRIMINATORY BEHAVIOR**
6 **BY POLICE OFFICERS, WHICH MAY INCLUDE WARNINGS, PLACEMENT ON**
7 **PROBATIONARY STATUS, TERMINATION FROM EMPLOYMENT, AND**
8 **DECERTIFICATION OF POLICE POWERS.**

9 **(B) THE CHIEF OF A LAW ENFORCEMENT AGENCY MAY NOT OVERRIDE THE**
10 **ACTIONS OF THE BOARD.**

11 **(C) (1) IN CONDUCTING ANNUAL REVIEWS OF POLICE OFFICER**
12 **PERFORMANCE, THE BOARD MAY HOLD HEARINGS, ADMINISTER OATHS, AND HEAR**
13 **TESTIMONY OF WITNESSES.**

14 **(2) A POLICE OFFICER BEARS THE BURDEN OF PROOF IN A HEARING**
15 **BEFORE THE BOARD.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
17 members of the Police Officers' Performance Review Board shall expire as follows:

18 (1) three members in 2023;

19 (2) three members in 2024; and

20 (3) three members in 2025.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2021.