

SENATE BILL 4

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(PRE-FILED)

11r0302
CF HB 363

By: **Senators Edwards, Feldman, Ferguson, and Klausmeier**

Requested: September 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Public Ethics Law – Retaliation for Reporting or Participating in**
3 **Investigation – Prohibition**

4 FOR the purpose of prohibiting an official or employee from retaliating against an
5 individual for reporting or participating in an investigation of a potential violation
6 of the Maryland Public Ethics Law; and generally relating to the Maryland Public
7 Ethics Law.

8 BY repealing and reenacting, without amendments,
9 Article – General Provisions
10 Section 5–101(a), (g), (bb), (ff), and (ll)
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2020 Supplement)

13 BY adding to
14 Article – General Provisions
15 Section 5–509
16 Annotated Code of Maryland
17 (2019 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:

Article – General Provisions

20 5–101.

22 (a) In this title the following words have the meanings indicated unless:

23 (1) the context clearly requires a different meaning; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a different definition is adopted for a particular provision.

2 (g) (1) “Employee” means an individual who is employed:

3 (i) by an executive unit;

4 (ii) by the Legislative Branch; or

5 (iii) in the Judicial Branch.

6 (2) “Employee” does not include:

7 (i) a public official; or

8 (ii) a State official.

9 (bb) “Official” means either a State official or a public official.

10 (ff) “Public official” means an individual determined to be a public official under
11 § 5–103 of this subtitle.

12 (ll) “State official” means:

13 (1) a constitutional officer or officer–elect in an executive unit;

14 (2) a member or member–elect of the General Assembly;

15 (3) a judge or judge–elect of a court under Article IV, § 1 of the Maryland
16 Constitution;

17 (4) a judicial appointee as defined in Maryland Rule 18–200.3;

18 (5) a State’s Attorney;

19 (6) a clerk of the circuit court;

20 (7) a register of wills; or

21 (8) a sheriff.

22 **5–509.**

23 **AN OFFICIAL OR EMPLOYEE MAY NOT RETALIATE AGAINST AN INDIVIDUAL**
24 **FOR REPORTING OR PARTICIPATING IN AN INVESTIGATION OF A POTENTIAL**
25 **VIOLATION OF THE MARYLAND PUBLIC ETHICS LAW.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2021.