

SENATE BILL 581

P3
SB 178/21 – JPR

2lr2215

By: **Senator Bailey**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2022

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Law Enforcement Agencies – Positive Community Feedback**

3 FOR the purpose of adding positive community feedback to the list of records that are not
4 considered personnel records for certain purposes; requiring the Maryland Police
5 Training and Standards Commission to develop a process for citizens to submit
6 certain feedback; requiring each law enforcement agency to adopt the uniform citizen
7 positive community feedback process; requiring a law enforcement agency to
8 maintain a certain record that is subject to public inspection; and generally relating
9 to law enforcement agencies.

10 BY repealing and reenacting, with amendments,

11 Article – General Provisions

12 Section 4–311(c) and 4–351(a)

13 Annotated Code of Maryland

14 (2019 Replacement Volume and 2021 Supplement)

15 BY adding to

16 Article – Public Safety

17 Section 3–207(k) and 3–519.1

18 Annotated Code of Maryland

19 (2018 Replacement Volume and 2021 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – General Provisions

2 4–311.

3 (c) (1) Except as provided in paragraph (2) of this subsection, THE
4 FOLLOWING RECORDS ARE NOT PERSONNEL RECORDS FOR THE PURPOSES OF THIS
5 SECTION:

6 (I) a record relating to an administrative or criminal investigation
7 of misconduct by a police officer, including an internal affairs investigatory record[.];

8 (II) a hearing record[.];

9 (III) A RECORD OF POSITIVE COMMUNITY FEEDBACK; and

10 (IV) records relating to a disciplinary decision[, is not a personnel
11 record for purposes of this section].

12 (2) A record of a technical infraction is a personnel record for the purposes
13 of this section.

14 4–351.

15 (a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny
16 inspection of:

17 (1) records of investigations conducted by the Attorney General, a State’s
18 Attorney, a municipal or county attorney, a police department, or a sheriff;

19 (2) an investigatory file compiled for any other law enforcement, judicial,
20 correctional, or prosecution purpose;

21 (3) records that contain intelligence information or security procedures of
22 the Attorney General, a State’s Attorney, a municipal or county attorney, a police
23 department, a State or local correctional facility, or a sheriff; or

24 (4) records, other than a record of a technical infraction, relating to an
25 administrative or criminal investigation of misconduct by a police officer, including an
26 internal affairs investigatory record, a hearing record, A RECORD OF POSITIVE
27 COMMUNITY FEEDBACK, and records relating to a disciplinary decision.

28 Article – Public Safety

29 3–207.

1 **(K) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN POSITIVE**
2 **COMMUNITY FEEDBACK PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT**
3 **AGENCY.**

4 **(2) THE UNIFORM CITIZEN POSITIVE COMMUNITY FEEDBACK**
5 **PROCESS SHALL:**

6 **(I) BE SIMPLE; AND**

7 **(II) BE POSTED ON THE WEBSITE OF THE COMMISSION AND**
8 **EACH LAW ENFORCEMENT AGENCY.**

9 **3-519.1.**

10 **(A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM**
11 **CITIZEN POSITIVE COMMUNITY FEEDBACK PROCESS DEVELOPED BY THE**
12 **MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-207 OF**
13 **THIS TITLE.**

14 **(B) A LAW ENFORCEMENT AGENCY SHALL:**

15 **(1) POST THE AGENCY'S ~~CITIZEN COMPLAINT~~ POSITIVE COMMUNITY**
16 **FEEDBACK PROCESS ON THE AGENCY'S WEBSITE IF THE AGENCY MAINTAINS A**
17 **WEBSITE; AND**

18 **(2) MAINTAIN A RECORD OF POSITIVE COMMUNITY FEEDBACK FOR**
19 **ALL LAW ENFORCEMENT OFFICERS WITHIN THE AGENCY.**

20 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RECORDS**
21 **MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION ARE SUBJECT TO PUBLIC**
22 **INSPECTION IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2022.