

## SUBJECT

Bill 49-21, Police – Police Accountability Board – Administrative Charging Committee – Established

Lead Sponsor: Council President at the request of the County Executive

## EXPECTED ATTENDEES

To be determined.

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- The Public Safety Committee recommended the enactment of Bill 49-21 with amendments.
- The full Council adopted additional amendments.
- The Council is expected to adopt final amendments and have a roll call vote on the bill.

## DESCRIPTION/ISSUE

- The Public Safety Committee recommended enactment of the bill with amendments to:
  1. increase the PAB membership to 9 voting members with at least 1 member residing in a municipality covered by the PAB and permit the Executive to appoint one or more non-voting members;
  2. clarify that all complaints from the public must be investigated and reported to the ACC;
  3. require funding for training of PAB and ACC members from the police and outside organizations; and
  4. authorize the Council to remove a member for failure to complete required training.
- Over the course of 4 worksessions, the Council:
  1. approved the PS Committee amendments;
  2. deleted a “violation of law” as one of the reasons for removal of a member;
  3. replaced the professional experience required for a member with a member must “be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness”;
  4. removed the prohibition on compensation for PAB members in paragraph 35-24(e)(3) to permit the Council to provide for compensation in the budget;
  5. added a requirement for full-time dedicated staff for both the PAB and the ACC and required the County Attorney to retain special legal counsel to provide legal support for both the PAB and the ACC;
  6. amended the effective date to apply the new system to incidents occurring on or after July 1, 2023 for a complaint against a police officer covered by a collective bargaining agreement with a different disciplinary system and to incidents occurring on or after July 1, 2022 for complaints against all other police officers;

7. required each law enforcement agency to provide a monthly report to the ACC detailing the number of complaints received and the status of each investigation; and
8. established compensation for PAB members at \$10,000 annually.

## SUMMARY OF KEY DISCUSSION POINTS

Consider amending the scope of complaints subject to ACC review, to align with Maryland Senate Bill 763. [Legislation - SB0763 \(maryland.gov\)](#)

### **This report contains:**

Staff Report	Pages 1-8
Expedited Bill 49-21	© 1
Senate Bill 763	© 12

Prior Staff Report for March 22 Worksession: available at [Bill template \(montgomerycountymd.gov\)](#)

Prior Staff Report for April 5 Worksession: available at [Bill template \(montgomerycountymd.gov\)](#)

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## MEMORANDUM

April 14, 2022

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Expedited Bill 49-21, Police - Police Accountability Board – Administrative Charging Committee – Established

PURPOSE: **Action** – roll call vote expected

Bill 49-21, Police - Police Accountability Board – Administrative Charging Committee – Established, with Lead Sponsor Council President Alborno on behalf of the County Executive, was introduced on December 14, 2021. Two public hearings were held for this Bill, the first on January 11 with 5 speakers and the second on January 18 with 30 speakers. Public Safety Committee worksessions were held on January 24, February 11, and February 16.<sup>1</sup> Full Council worksessions were held on March 1, March 8, March 15, and March 22, and on April 5. Action is scheduled for April 19.

**The following issue remains for the Council's consideration:** whether to amend the scope of complaints subject to PAB/ACC review to align with changes to state law under Maryland Senate Bill 763. *See* page 7 of this memorandum for a discussion of the outstanding issue.

### Background

The Maryland General Assembly enacted a series of laws establishing uniform standards for police department operations throughout the State. One of these laws, House Bill 670, created a new uniform procedure for police accountability and discipline. This new law requires the governing body of each county to establish a Police Accountability Board (PAB) and an Administrative Charging Committee (ACC) to handle each complaint alleging police misconduct by a police officer employed by the County or a municipal police department located in the County filed by a member of the public.

House Bill 670 of 2021 repealed and replaced the Law Enforcement Officers Bill of Rights (LEOBR) with a new State-wide disciplinary system for police officers in Maryland. The new uniform disciplinary system established in HB 670 generally applies to misconduct occurring on or after July 1, 2022. The new law also contains a grandfather clause that delays the effective date of the new disciplinary system until the expiration of any existing collective bargaining agreement for the duration of the agreement, excluding extensions. The current collective bargaining

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<sup>1</sup>#PoliceAccountabilityBoard

agreement between the Executive and the Fraternal Order of Police expires on June 30, 2023. Although deputy sheriffs are represented by MCGEO and also covered by this law, the Sheriff is the employer for the purpose of negotiating provisions concerning discipline with the union. According to the Sheriff, the current agreement covering discipline for deputy sheriff's expired on June 30, 2021 and is currently being negotiated. Therefore, the current disciplinary system continues, unless modified, until July 1, 2023 for police officers represented by FOP Lodge 35. However, the new law takes effect for the unrepresented police management and sheriff's management on July 1, 2022.<sup>2</sup> Beginning on July 1, 2023, the uniform State-wide disciplinary system established in HB 670 will apply to complaints of misconduct filed by a member of the public against any sworn officer employed by the County Police Department or the County Sheriff's Department.<sup>3</sup> This State law expressly preempts the County from altering the new disciplinary system.<sup>4</sup>

A complaint of police misconduct may be filed with the PAB or the appropriate Police or Sheriff's Department. The PAB must forward a complaint to the Department within 3 days for investigation. The 5-member ACC must include the Chair of the PAB, or another member of the PAB designated by the Chair, 2 civilian members selected by the PAB, and 2 civilian members selected by the Executive. The appropriate law enforcement agency must forward the results of a police misconduct complaint to the ACC. The ACC must decide whether to file disciplinary charges against a police officer in a written decision. The ACC may review body camera video, call a police officer to appear before the ACC accompanied by a representative, and may subpoena witnesses and documents to perform its duties. If the ACC determines that disciplinary charges are warranted, it must recommend a penalty based on a disciplinary matrix developed by the Maryland Police Training and Standards Commission. The Police Chief must offer that penalty or a higher penalty to the officer. If the officer does not accept the discipline, the officer has the right to challenge the decision in an adjudicatory hearing before a trial board.

The 3-member trial board must include an active or retired administrative law judge or a retired district court or circuit court judge appointed by the County Executive, a civilian selected by the PAB, and a police officer of equal rank to the officer being charged selected by the police chief. The trial board hearing must be open to the public except for certain exceptions. The trial board can administer oaths and issue subpoenas. The trial board decision is appealable to the circuit court on the record.

### **Summary of the Bill**

Expedited Bill 49-21 would establish both the PAB and the ACC for the County. Although HB 670 requires a 5-member ACC and a 3-member trial board, the law is silent as to the number of members of the PAB. Bill 49-21, as amended by the Council, would create a 9-member PAB nominated by the Executive and confirmed by the Council. The Executive may appoint one or more non-voting members. At least one voting member must reside in a municipality that operates

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<sup>2</sup> The new system would also apply to a complaint against a municipal police officer on July 1, 2022, or one year later if a collective bargaining agreement governing discipline procedures extends until that date.

<sup>3</sup> HB670 does not apply to a Police Chief, Assistant Police Chief, Sheriff, or the equivalent to an Assistant Chief in the Sheriff's Office.

<sup>4</sup> HB 670 includes other significant provisions concerning police officers that is not directly relevant to the new State-wide disciplinary system.

a police department within the jurisdiction of the PAB. All of the members of the PAB and the ACC must be County residents. The Bill, as amended by the Council, would require each member to “be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness.”

Bill 49-21 would require the CAO to provide appropriate full-time dedicated staff for both the PAB and the ACC. The County Attorney must retain special legal counsel approved by the Council to provide legal services for both the PAB and the ACC. The Bill, as amended, is silent on compensation for the PAB members. The ACC Chair would receive an annual salary of \$22,000 and the other 4 members would receive an annual salary of \$16,000, both adjusted for changes in the consumer price index.<sup>5</sup> The Bill would require each member of the PAB and the ACC to serve a 3-year term of office with term limits after serving 2 complete terms. The Bill would also require the Executive to stagger the initial terms to ensure that the terms of approximately one-third of the members expire each year. The Committee amended the Bill to require both the PAB and the ACC to meet at least one time each month and to require County funding for training of members from both police department personnel and outside organizations. The Council also approved an amendment to authorize the removal of an ACC member, including the removal of a member who fails to complete the required training, and deleted a “violation of law” as one of the reasons for removal.

OLO concluded that Bill 49-21 would have an insignificant impact on economic conditions in the County. OLO concluded that the Bill would have little to no impact on racial and social inequities because it does not follow “the best practices for advancing civilian oversight for police accountability.”

### **January 11 Public Hearing**

All 5 speakers either suggested amendments to the Bill or opposed it in its current form. Mayor Jud Ashman of Gaithersburg requested amendments to require at least one member of the PAB to reside in one of the 4 municipalities in the County with a police department. Seth Grimes, representing Takoma Park Mobilization, requested amendments to the qualifications for members of the PAB and ACC. Rudy Logan, representing IMPACT Silver Spring, Heidi Rhodes, representing Jews United for Justice, and Ilhan Cagri, representing Muslim Voices Coalition, each opposed the Bill because they believe the Bill would require all of the civilian members of the PAB and the ACC would have to have policing experience.<sup>6</sup> Ms. Rhodes and Ms. Cagri also argued that the County Attorney would have a conflict of interest in representing both the County Police Department and the PAB and ACC.

### **January 18 Public Hearing**

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<sup>5</sup> These salaries are consistent with the salaries provided for members of the County Board of Appeals.

<sup>6</sup> The Bill, as introduced, would not require each PAB and ACC member to have policing experience. The Bill would require each member to have experience in managing a law enforcement agency, evaluating citizen complaints against a police officer **or** experience in personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator.

Each of the 30 speakers opposed the Bill as introduced and requested amendments. Almost all of the speakers objected to the qualifications for members of the PAB and the ACC arguing that it would result in all members being former police department personnel.<sup>7</sup> Many of the speakers also suggested amendments to require independent staff and counsel for the PAB and ACC, expansion of the scope of complaints that would be handled through the ACC, compensation for PAB members, additional members for the PAB and mandatory geographical representation of members. Many of the speakers also complained about the lack of community input before the Executive submitted the Bill to the Council, the provision permitting the removal of a member for violating the law, and the lack of a defined budget for the staff of the PAB and the ACC. Finally, one or more speakers complained that the ACC would review the investigation done by the police department instead of investigating the incident<sup>8</sup> and the use of retired judges on the trial board.<sup>9</sup>

### **PS Worksession 1**

County Police Chief Marcus Jones, Dr. Earl Stoddard, ACAO, Elaine Bonner-Tomkins, OLO, Lee Holland, FOP Lodge 35 President, Chevy Chase Village Police Chief, John Fitzgerald, and Haley Roberts, OCA, and Senior Legislative Attorney Robert Drummer participated in the discussion.

The Committee discussed the Racial Equity and Social Justice Impact Statement for the Bill and the qualifications for members of the PAB and ACC without making any decisions. Chief Fitzgerald told the Committee that the Maryland Police Training and Standards Commission plans to propose regulations permitting settlements of disciplinary charges subject to ACC approval. The Committee agreed that the Bill should not be amended to increase the jurisdiction of the PAB/ACC to cover internal complaints. The Committee also approved an amendment to clarify that all external complaints must be investigated and reported to the ACC. Finally, the Committee agreed that the PAB membership should be increased from 5 members but did not agree on the final number.

The Committee requested information on how other Counties are handling these issues and committee to meeting as frequently as necessary to complete review of the Bill. The Committee also agreed to send staff the names and contact information for additional stakeholders they might want invited to the next worksession.

### **PS Worksession 2**

Councilmember Will Jawando participated in the worksession. County Police Chief Marcus Jones, Dr. Earl Stoddard, ACAO, Assistant Chief Darren Francke, Chevy Chase Village Police Chief, John Fitzgerald, Joanna Silver, SSJC, Eric Sterling, PAC, Ashanti Martinez, CASA, and Senior Legislative Attorney Robert Drummer participated in the discussion.

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<sup>7</sup> The qualifications in the Bill, as introduced, are in the alternative. Although experience in police management or experience reviewing citizen complaints of police misconduct are listed as qualifications, the Bill would also permit a member to qualify with experience in “personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator” outside of law enforcement.

<sup>8</sup> This system was established by HB670. The Council does not have the authority to change it.

<sup>9</sup> The use of a retired judge or an administrative law judge is required by HB670 and is not part of Bill 49-21.

The Committee discussed the qualifications for members of the PAB and ACC without making any final decisions. Chief Fitzgerald told the Committee that the Maryland Police Training and Standards Commission plans to propose regulations that may include minimum qualifications. The Committee approved an amendment to increase the size of the PAB to 9 members with at least 1 member residing in a municipality covered by the PAB. The Committee also approved an amendment requiring the PAB and the ACC to meet at least once a month.

The Committee discussed a possible amendment to prohibit a former police officer from being appointed to the PAB or the ACC and an amendment that would welcome applicants without regard to prior criminal record or immigration status. The Committee also discussed the possibility of adding one or more non-voting members to the PAB who are former police officers.

Council President Albornoz indicated that he would propose some language to prohibit disqualification of an applicant due to immigration status. Ashanti Martinez offered to provide an answer to the question of whether or not an undocumented member could be paid by the County.

### **PS Worksession 3**

Councilmember Will Jawando participated in the worksession. Dr. Earl Stoddard, ACAO, Assistant Chief Darren Francke, Takoma Park Police Chief Tony DeVaul, Joanna Silver, SSJC, Alicia Hudson, PAC, and Senior Legislative Attorney Robert Drummer participated in the discussion.

The Committee discussed the qualifications for members of the PAB. AC Francke told the Committee that the Maryland Police Training and Standards Commission is meeting today to finalize proposed regulations that will include minimum qualifications. The Committee decided (3-0) not to prohibit the appointment of a former police officer to the PAB or the ACC. Councilmember Jawando and Ms. Silver argued that it is important to ensure that the PAB and ACC are civilian boards independent from police control and that a former police officer on the Board may dominate the discussion and give the appearance to community members that the Board is still run by the police department. The Committee approved an amendment to permit the Executive to appoint one or more non-voting members to the PAB.

The Committee also discussed an amendment outlining general desired qualifications for ACC members and asked staff to draft proposed language melding the ability to demonstrate the ability to perform the job with the language suggested by the SSJC.

The Committee also discussed training for PAB and ACC members in addition to the mandated State training. The Committee approved an amendment to require the County to provide funding for training for members provided by the Police Department in cooperation with the Municipal Police Departments and the Sheriff's Office as well as training by outside organizations. The Committee also approved an amendment to authorize the removal of an ACC member who fails to complete required training.

### **Council Worksession 1**

The Council approved the Committee amendments to:

1. increase the PAB membership to 9 voting members with at least 1 member residing in a municipality covered by the PAB and permit the Executive to appoint one or more non-voting members;
2. clarify that all complaints from the public must be investigated and reported to the ACC;
3. require funding for training of PAB and ACC members from the police and outside organizations; and
4. authorize the Executive and the Council to remove a member for failure to complete required training in addition to the reasons established in the Bill.

The Council also amended the Bill to:

1. delete a violation of law as one of the reasons listed for removal of a member; and
2. amend the minimum qualifications for a member by deleting the experience requirements in the Bill as introduced and replace it with a requirement that a member “be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness.”

### **Council Worksession 2**

The Council discussed whether PAB members should receive compensation for their work without deciding the issue. The Council also discussed staffing for PAB and ACC members. Councilmember Jawando suggested requiring “dedicated full-time” staff but did not make the motion at that time. The Council also discussed the issue of requiring the County Attorney to retain independent counsel for both the PAB and the ACC. Both of these issues were left to be decided at a future Council worksession.

The Council requested additional information on what type of compensation is provided for other County Boards, Committees, and Commissions and additional information on how the County Attorney’s Office would handle the retention of outside counsel.

### **Council Worksession 3**

The Council approved the following 2 additional amendments during the worksession:

1. remove the prohibition on compensation for PAB members in paragraph 35-24(e)(3) to permit the Council to provide for compensation in the budget; and
2. add a requirement for full-time dedicated staff for both the PAB and the ACC and require the County Attorney to retain special legal counsel to provide legal support for both the PAB and the ACC.

### **Council Worksession 4**

The Council approved the following 2 additional amendments during the worksession:



1. amended the effective date to apply the new system to incidents occurring on or after July 1, 2023 for a complaint against a police officer covered by a collective bargaining agreement with a different disciplinary system and to incidents occurring on or after July 1, 2022 for complaints against all other police officers; and
2. require each law enforcement agency to provide a monthly report to the ACC detailing the number of complaints received and the status of each investigation.

### **Council Worksession 5**

On April 5, the Council adopted an amendment (8-1, with Councilmember Friedson opposing) proposed by Councilmember Jawando to set an annual compensation for PAB members at \$10,000.

### **Outstanding Issue**

For a thorough discussion of all issues previously considered by the Council, please see the staff report of Mr. Drummer dated March 22, 2022 (available at [Bill template \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)).

The following issue remains for the Council's consideration.

**1. Alignment with 2022 State Legislation - Potential Amendment to Make Internal Complaints Subject to ACC Review**

The General Assembly amended the scope of ACC/PAB complaints through Senate Bill 763. In order to align Bill 49-21 with the new state law, the following amendment should be adopted:

*Amend lines 11-12 as follows:*

Complaint means an allegation of police misconduct [[filed by]] involving a member of the public and a police officer, regardless of whether the allegation originated from within the law enforcement agency or from an external source.

**Decision Point:** whether to adopt the amendment above regarding the nature of complaints subject to the PAB/ACC process.

**NEXT STEP:** Roll call vote on Council Bill 49-21.

This packet contains:

Expedited Bill 49-21  
Senate Bill 763

Circle #

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Prior Staff Report for March 22 Worksession: available at [Bill template \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)

Prior Staff Report for April 5 Worksession: available at [Bill template \(montgomerycountymd.gov\)](http://montgomerycountymd.gov)

Expedited Bill No. 49-21  
Concerning: Police – Police  
Accountability Board – Administrative  
Charging Committee - Established  
Revised: 4-13-22 Draft No. 11  
Introduced: December 14, 2021  
Expires: June 14, 2023  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. [#], Laws of Mont. Co. [year]

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Council President at the request of the County Executive

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**AN EXPEDITED ACT** to:

- (1) establish the Police Accountability Board for the County;
- (2) define the membership and duties of the Board;
- (3) establish the Administrative Charging Committee for the County;
- (4) define the membership, duties, and compensation for members of the Committee;  
and
- (5) generally amend the law governing police accountability and discipline.

By adding

Montgomery County Code  
Chapter 35, Police  
Article IV, Police Discipline  
Sections 35-23, 35-24 and 35-25

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1        **Sec. 1. Article IV, Sections 35-23, 35-24 and 35-25 are added as follows:**

2                    **ARTICLE IV. POLICE DISCIPLINE**

3        **35-23. Definitions.**

4            Definitions. In this Article, the following terms have the meanings indicated.

5            Administrative Charging Committee or Committee means the Committee  
 6            established in Section 35-25 to serve Countywide law enforcement agencies and  
 7            local law enforcement agencies within the County pursuant to Section 3-104 of  
 8            the Public Safety Article of the Annotated Code of Maryland, as amended.

9            Administratively charged means that a police officer has been formally accused  
 10           of misconduct in an administrative proceeding.

11           Complaint means an allegation of police misconduct filed by a member of the  
 12           public.

13           Disciplinary matrix means a written, consistent, progressive, and transparent  
 14           tool or rubric that provides ranges of disciplinary actions for different types of  
 15           misconduct prepared by the Maryland Police Training and Standards  
 16           Commission.

17           Exonerated means that a police officer acted in accordance with the law and  
 18           agency policy.

19           Law enforcement agency means the County police force, sheriff's office, or other  
 20           security force or law enforcement organization of the county or a municipal  
 21           corporation that by statute, ordinance, or common law is authorized to enforce  
 22           the general criminal laws of the State.

23           Not administratively charged means that a determination has been made not to  
 24           administratively charge a police officer in connection with alleged misconduct.

25           Police Accountability Board or Board means the Police Accountability Board  
 26           for the County established in Section 35-24 pursuant to Section 3-102 of the  
 27           Public Safety Article of the Annotated Code of Maryland, as amended.

Police misconduct means a pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

- (1) depriving persons of rights protected by the Constitution or laws of the State or the United States;
- (2) a violation of a criminal statute; and
- (3) a violation of law enforcement agency standards and policies.

Police officer means an individual who:

- (1) is authorized to enforce the general criminal laws of the State; and
- (2) is a member of one of the following law enforcement agencies:
  - (a) the County police department;
  - (b) a municipal police department;
  - (c) the office of the County sheriff; or
  - (d) a County fire and explosive investigator.

A police officer does not include the sheriff, a chief of police, a deputy or assistant chief of police, or another individual with an equivalent title who is appointed or employed by a government to exercise equivalent supervisory authority.

### **35-24. Police Accountability Board.**

- (a) Establishment. There is a Police Accountability Board for the County. The Executive must appoint the ~~[[five]]~~ nine voting members of the Board, including the Chair, subject to confirmation by the Council. The Executive may appoint one or more non-voting members to the Board. At least one voting member must reside in a municipality operating a police department that is within the jurisdiction of the Board.
- (b) Composition and qualifications of members. The members of the Board must reflect the racial, gender, gender-identity, sexual orientation, and

cultural diversity of the County. Each member must reside in the County and [[have experience:

- (1) managing or evaluating the management of a law enforcement agency;
- (2) evaluating citizen complaints against a police officer; or
- (3) in personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator]] be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness.

An active police officer must not be a member of the Board. A Board member must also meet all qualifications mandated by State law and implementing regulations while serving on the Board.

(c) Chair. The members of the Board may elect a Vice-Chair to serve as Chair in the absence of the Chair.

(d) Term of office. Each member serves a 3-year term. A member must not serve more than 2 consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.

(e) Meetings, budget, and compensation for members.

(1) The Board meets at the call of the Chair. The Board must meet as often as necessary to perform its duties, but not less than [[4 times each year]] one time each month.

(2) The Executive must recommend, and the Council must appropriate funds necessary for the Board and the Administrative Charging Committee to operate in the County's annual operating budget. The annual appropriation for the Board and the Administrative

Charging Committee must include funding for training of members provided by:

(A) the County Police Department in cooperation with the Sheriff and each municipal police department within the jurisdiction of the Board; and

(B) appropriate outside organizations.

(3) The [[Board members]] Chair or another Board member designated to serve on the Administrative Charging Committee must serve without compensation except for the reimbursement of expenses incurred in attending meetings or carrying out other duties, including travel and dependent care costs at rates established by the County, subject to appropriation. The annual salary for each other Board member is \$10,000. The salary for each member must be adjusted on the first Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.

(f) Staff. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Board and make available to the Board services and facilities that are necessary or appropriate for the proper performance of its duties. The County Attorney must retain special legal counsel approved by the Council to serve as counsel to the Board.

(g) Duties. The Board must:

(1) hold quarterly meetings with the directors of one or more law enforcement agencies operating in the County who employ one or more police officers;

- 108           (2)   appoint civilian members to the Administrative Charging  
 109               Committee and trial boards;
- 110           (3)   receive complaints of police misconduct filed by a member of the  
 111               public;
- 112           (4)   review the outcomes of disciplinary matters considered by the  
 113               Administrative Charging Committee on a quarterly basis;
- 114           (5)   advise the Executive and the Council on policing matters; and
- 115           (6)   refer each complaint of police misconduct filed with the Board to  
 116               the appropriate law enforcement agency within 3 days after receipt  
 117               for investigation.
- 118       (h)   Removal of a member. The Executive with the approval of at least 6  
 119               members of the Council may remove a member for:
- 120               (1)   neglect of duty, including failure to complete mandatory training;  
 121               (2)   misconduct in office;  
 122               (3)   a member's inability or unwillingness to perform the duties of the  
 123               office;  
 124               (4)   conduct that impairs a member from performing the duties of the  
 125               office; or  
 126               (5)   [[violation of law; or  
 127               (6)]] inability to meet the qualifications for a Board member mandated  
 128               by State law or implementing regulations.
- 129       (i)   Reports. The Board must submit an annual report to the Executive and  
 130               the Council each December 31 that:
- 131               (1)   identifies any trends in the disciplinary process of police officers  
 132               in the County;
- 133               (2)   recommends changes to policy that would improve police  
 134               accountability in the County; and



- (3) describes the activities of the Board and the numbers of complaints received.

**35-25. Administrative Charging Committee.**

(a) Establishment. There is an Administrative Charging Committee for the County.

(b) Membership. The Committee has 5 voting members. The members are:

(1) the Chair of the Police Accountability Board or another member of the Board designated by the Chair;

(2) 2 civilian members appointed by the Police Accountability Board; and

(3) 2 civilian members appointed by the Executive.

(c) Composition and qualifications of members. The Committee consists of a chair and 4 additional members. The members of the Committee must reflect the racial, gender, gender-identity, sexual orientation, and cultural diversity of the County. Each member must []:

(1)]] reside in the County []; and have

(2) experience managing or evaluating the management of a law enforcement agency;

(3) experience evaluating citizen complaints against a police officer; or

(4) experience in personnel disciplinary proceedings as a manager, employee representative, mediator, or arbitrator]] and be able to demonstrate through professional or lived experience the ability to balance effective oversight, perform objective analysis of an investigation report, and practice procedural fairness.

- (d) Training. Each member of the Committee must complete training on matters relating to police procedures from the Maryland Police Training and Standard Commission before serving as a member.
- (e) Staff. The Chief Administrative Officer must provide appropriate dedicated full-time staff to the Committee and make available to the Committee services and facilities that are necessary or appropriate for the proper performance of its duties. The County Attorney must retain special legal counsel approved by the Council to serve as counsel to the Committee.
- (f) Compensation. The annual salary for the Chair is \$22,000 and the annual salary for each member is \$16,000. The salary for the chair and each member must be adjusted on the first Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United States Department of Labor, Bureau of Labor Statistics, or a successor index.
- (g) Meetings. The Committee must meet at least one time each month or ~~[[as]]~~ more frequently if needed.
- (h) Term of office. Each member serves a 3-year term. A member must not serve more than 2 consecutive full terms. A member appointed to fill a vacancy serves the rest of the unexpired term. Members continue in office until their successors are appointed and qualified.
- (i) Duties. The Committee must:
- (1) review the findings of each law enforcement agency's investigation forwarded by the agency to the Committee;
  - (2) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;

- 187           (3)   authorize a police officer called before the Committee to be  
 188               accompanied by a representative;
- 189           (4)   determine if the police officer who is the subject of the  
 190               investigation should be administratively charged or not  
 191               administratively charged within 30 days after receipt of the law  
 192               enforcement agency's investigatory file unless the Committee  
 193               requests further review under subsections (j)(1) or (2);
- 194           (4)   if the Committee determines that a police officer should be  
 195               administratively charged, recommend discipline pursuant to the  
 196               disciplinary matrix;
- 197           (5)   if the Committee determines that a police officer should not be  
 198               administratively charged, determine if:
- 199               (A)   the allegations against the police officer are unfounded,  
 200               including situations where existing departmental policy  
 201               fails to properly address the situation for which the officer  
 202               was charged; or,
- 203               (B)   the police officer is exonerated;
- 204           (6)   issue a written opinion for each complaint describing in detail the  
 205               Committee's findings, determinations, and recommendations; and
- 206           (7)   forward the written opinion to the director of the appropriate law  
 207               enforcement agency, the accused police officer, and the  
 208               complainant.
- 209       (j)    *Authority of the Committee.* The Committee may:
- 210           (1)   request information or action from the law enforcement agency  
 211               that conducted the investigation, including requiring additional  
 212               investigation;

(2) issue subpoenas for documents or witnesses necessary to execute the Committee's duties; and

(3) record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct.

(k) Confidentiality. Each member of the Committee must maintain confidentiality relating to a matter being considered by the Committee until final disposition of the matter.

(l) Duties of the law enforcement agency. The law enforcement agency must investigate and submit a written investigation report to the Administrative Charging Committee for each complaint received by the agency or referred to the agency by the Police Accountability Board. Each law enforcement agency must submit a monthly report to the Administrative Charging Committee detailing complaints received and the status of each investigation.

(m) Removal of a member. The Executive with the approval of at least 6 members of the Council may remove a member for:

(1) neglect of duty, including failure to complete mandatory training;

(2) misconduct in office;

(3) a member's inability or unwillingness to perform the duties of the office;

(4) conduct that impairs a member from performing the duties of the office; or

(5) [[violation of law; or

(6)] inability to meet the qualifications for a Board member mandated by State law or implementing regulations.

**Sec. 2. Transition.** Notwithstanding Sections 35-24(d) and 35-25(h) in Section 1, the Executive must stagger the initial terms of the members of the Board and the

240 Committee so that the terms of approximately one-third of the members expires each  
241 year.

242 **Sec. 3. Expedited Effective Date, Transition.**

243 The Council declares that this legislation is necessary for the immediate  
244 protection of the public interest. This Act takes effect on the date on which it becomes  
245 law and must apply to eligible complaints based on an incident occurring on or after:

246 (a) July 1, [[2022]] 2023 against a police officer who is covered by a  
247 collective bargaining agreement entered into before June 30, 2022, that  
248 includes a different disciplinary system; and

249 (b) July 1, 2022, against any other police officer.

# SENATE BILL 763

E2

(2lr3172)

## ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by Senator Sydnor

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Collection Public Safety and Criminal Procedure — Collection, Reporting, and~~  
3 ~~Publication of Criminal Case and Prosecutorial Information~~  
4 ~~(Maryland Criminal Justice Data Transparency Act)~~  
5 *Public Safety and Criminal Justice – Transparency and Accountability*

6 FOR the purpose of requiring the Division of Parole and Probation to report certain  
7 information annually to the General Assembly; ~~establishing requirements for the~~  
8 ~~collection and dissemination of certain information relating to the Office of the~~  
9 ~~State's Attorney in each county and Baltimore City, coordinated in a certain manner~~  
10 ~~by the Administrative Office of the Courts and the State Commission on Criminal~~  
11 ~~Sentencing Policy; altering the definition of student data to allow certain records to~~  
12 ~~be shared with the Maryland Longitudinal Data System Center; establishing the~~  
13 ~~Task Force to Study Criminal Justice Data Transparency; and generally relating to~~  
14 ~~the Office of the State's Attorney and the collection and publication of information~~  
15 ~~transparency of criminal justice data~~ requiring a certain annual report by the State

### 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.

*Italics* indicate opposite chamber/conference committee amendments.



*Commission on Criminal Sentencing Policy to identify certain information for crimes of violence; requiring the Commission to include certain information in a data dashboard on its public website; altering the definition of student data to allow certain records to be shared with the Maryland Longitudinal Data System Center; specifying that a certain disciplinary matrix applies to all complaints of police misconduct; specifying that the purpose of a certain trial board process is to adjudicate all internal and external matters for which a police officer is subject to discipline; establishing the composition of a trial board for a statewide or bi-county law enforcement agency; prohibiting the use of collective bargaining to establish or alter a process for investigation and disposition of certain complaints; altering the process for appealing certain disciplinary matters; renaming the Independent Investigative Unit in the Office of the Attorney General to be the Independent Investigations Division; authorizing the Attorney General or certain individuals designated by the Attorney General to seek certain injunctive relief or issue a certain subpoena under certain circumstances; establishing the Task Force to Study Transparency Standards for State's Attorneys; and generally relating to transparency and accountability in public safety and criminal justice.*

BY adding to

Article – Correctional Services

Section 6–122

Annotated Code of Maryland

(2017 Replacement Volume and 2021 Supplement)

~~BY adding to~~

~~Article – Criminal Procedure~~

~~Section 15–501 through 15–506 15–504 to be under the new subtitle “Subtitle 5.~~

~~State’s Attorney’s Criminal Case and Prosecutorial Data Collection”~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, without amendments,~~

~~Article – Education~~

~~Section 24–701(a) and 24–703(a) and (f)(1)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – Education~~

~~Section 24–701(l)~~

~~Annotated Code of Maryland~~

~~(2018 Replacement Volume and 2021 Supplement)~~

*BY repealing and reenacting, without amendments,*

*Article – Criminal Procedure*

*Section 6–201*

*Annotated Code of Maryland*

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 6–209

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 24–701(a) and 24–703(a) and (f)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 24–701(l)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–104(d), 3–105, 3–106, and 3–111

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

(As enacted by Section 3 of Chapter 59 of the Acts of the General Assembly of 2021)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–527

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 6–106.2 to be under the new subtitle “Subtitle 6. Independent Investigations

Division”

Annotated Code of Maryland

(2021 Replacement Volume)

BY adding to

Article – State Government

Section 6–601 and 6–603

Annotated Code of Maryland

(2021 Replacement Volume)



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

Article – Correctional Services

6–122.

ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER,  
THE DIVISION SHALL REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE  
GOVERNMENT ARTICLE, TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE  
AND THE HOUSE JUDICIARY COMMITTEE ON:

(1) MEASURES IT WILL TAKE TO IMPROVE OVERSIGHT OF OFFENDERS  
UNDER THE SUPERVISION OF THE DIVISION WHO ARE INVOLVED IN HOMICIDES; AND

(2) THE NUMBER OF OFFENDERS SUPERVISED BY THE DIVISION THAT  
WERE SHOOTING VICTIMS, HOMICIDE VICTIMS, OR CHARGED WITH HOMICIDE,  
NONFATAL SHOOTING, RAPE, POLICE-INVOLVED SHOOTING, OR ANY CRIME  
INVOLVING THE OFFENDER’S USE OF A FIREARM.

Article – Criminal Procedure

~~SUBTITLE 5. STATE’S ATTORNEY’S CRIMINAL CASE AND PROSECUTORIAL DATA  
COLLECTION.~~

~~15–501.~~

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

~~(B) “CASE NUMBER” MEANS THE UNIQUE NUMBER ASSIGNED TO A  
CRIMINAL CASE ASSOCIATED WITH A PARTICULAR CRIMINAL CHARGE.~~

~~(C) “CHARGE” MEANS AN ACCUSATION OF A CRIME BY A STATE’S ATTORNEY  
INITIATED BY A TICKET, A COMPLAINT, OR ANY OTHER CHARGING DOCUMENT A  
GUIDELINES-ELIGIBLE CONVICTION CAPTURED BY THE AUTOMATED GUIDELINES  
SYSTEM.~~

~~(D) “CHARGE DESCRIPTION” MEANS:~~

~~(1) THE NAME OF THE CHARGE AS PROVIDED BY LAW;~~

~~(2) A STATEMENT OF THE CRIMINAL PROVISION THAT IS ALLEGED TO  
HAVE BEEN VIOLATED;~~

~~(3) THE ASSOCIATED STATUTORY SECTION ESTABLISHING THE  
ALLEGED CONDUCT AS CRIMINAL; AND~~

~~(4) THE CLASSIFICATION OF THE CRIME.~~

~~(E) "CHARGE IDENTIFICATION" MEANS THE UNIQUE IDENTIFICATION  
NUMBER ASSIGNED TO THE CHARGE.~~

~~(F) (D) "CHARGE MODIFIER MODIFICATION" MEANS AN AGGRAVATING  
OR MITIGATING CIRCUMSTANCE OF AN ALLEGED CHARGE THAT ENHANCES,  
REDUCES, OR RECLASSIFIES THE ALLEGED CHARGE TO A DIFFERENT  
CLASSIFICATION GRADE OR LEVEL THE ENHANCEMENT, REDUCTION, OR  
RECLASSIFICATION OF A CHARGE TO A DIFFERENT CLASSIFICATION GRADE OR  
LEVEL DUE TO AGGRAVATING OR MITIGATING CIRCUMSTANCES.~~

~~(G) (E) (C) "COMMISSION" MEANS THE STATE COMMISSION ON CRIMINAL  
SENTENCING POLICY.~~

~~(H) "DISPOSITION" MEANS THE CONCLUSION OF THE PROSECUTION OF A  
CHARGE, INCLUDING:~~

~~(1) NOLLE PROSEQUI;~~

~~(2) DIVERSION;~~

~~(3) DISMISSAL;~~

~~(4) DISMISSAL AS PART OF A PLEA BARGAIN;~~

~~(5) CONVICTION AS PART OF A PLEA BARGAIN;~~

~~(6) CONVICTION AT TRIAL; AND~~

~~(7) ACQUITTAL.~~

~~(I) "INITIATION" MEANS THE CREATION OR INSTITUTION OF A CHARGE  
AGAINST A CRIMINAL DEFENDANT, WHETHER BY POLICE, PROSECUTORS, GRAND  
JURY, OR OTHER ENTITY.~~

~~(J) (1) "POLICY" MEANS FORMAL, WRITTEN GUIDANCE FOR EMPLOYEES  
OF A STATE'S ATTORNEY.~~

~~(2) "POLICY" INCLUDES:~~

~~(I) A PROCEDURE;~~

~~(II) A GUIDELINE;~~

~~(III) A MANUAL;~~

~~(IV) TRAINING MATERIAL;~~

~~(V) A DIRECTION;~~

~~(VI) AN INSTRUCTION; OR~~

~~(VII) ANY OTHER PIECE OF INFORMATION.~~

~~(3) "POLICY" DOES NOT INCLUDE:~~

~~(I) ATTORNEY WORK PRODUCT; OR~~

~~(II) INFORMATIONAL LEGAL OR PROCEDURAL ADVICE OR  
GUIDANCE OFFERED AMONG ATTORNEYS WITHIN AN OFFICE OF A STATE'S  
ATTORNEY.~~

~~(K) (F) (D) "STATE'S ATTORNEY" MEANS THE OFFICE OF THE STATE'S  
ATTORNEY IN EACH COUNTY IN THE STATE AND BALTIMORE CITY.~~

~~(L) "UNIQUE IDENTIFIER" MEANS A RANDOMLY GENERATED NUMBER THAT  
IS ASSIGNED IN PLACE OF A DEFENDANT'S NAME.~~

~~15-502.~~

~~(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AND IN  
ACCORDANCE WITH § 15-505 15-503 OF THIS SUBTITLE AND OTHER LOCAL AND  
STATE LAW, THE ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION, WITH  
THE COOPERATION OF EACH STATE'S ATTORNEY, SHALL COLLECT AND DISCLOSE  
THE FOLLOWING INFORMATION FOR EACH CASE PROSECUTED IN THE CIRCUIT  
COURT:~~

~~(1) THE CASE NUMBER;~~

~~(2) THE INDICTMENT NUMBER;~~

~~(3) THE DOCKET NUMBER;~~

~~(4) THE UNIQUE IDENTIFIER;~~

~~(5) (2) THE DEFENDANT'S:~~

~~(I) RACE; AND~~

~~(II) GENDER; AND~~

~~(III) DISABILITY STATUS, IF ANY, AND THE SOURCE OF THE  
DISABILITY STATUS;~~

~~(6) THE INCIDENT DATE;~~

~~(7) (3) THE ARREST DATE DATE OF THE OFFENSE;~~

~~(8) THE DISTRICT OR NEIGHBORHOOD OF ARREST;~~

~~(9) THE PRIMARY ARRESTING AGENCY;~~

~~(10) OTHER AGENCIES INVOLVED IN THE ARREST, IF ANY;~~

~~(11) THE CHARGES LISTED ON THE ARRESTING AGENCY'S  
PAPERWORK;~~

~~(12) IF APPLICABLE, THE REASON THE STATE'S ATTORNEY DECLINED  
TO PROSECUTE THE ARREST;~~

~~(13) (4) THE CHARGES BROUGHT BY THE STATE'S ATTORNEY;  
ATTORNEY THAT RESULTED IN CONVICTIONS;~~

~~(14) THE PROSECUTOR WHO BROUGHT THE CHARGE;~~

~~(15) (5) WHETHER THE DEFENDANT WAS DETERMINED ELIGIBLE  
FOR COURT-APPOINTED COUNSEL, AND THE PROCEEDING WHERE THE  
DETERMINATION WAS MADE REPRESENTED BY PRIVATE COUNSEL, A PUBLIC  
DEFENDER, OR COURT-APPOINTED COUNSEL OR PROCEEDED PRO SE;~~

~~(16) THE ARRAIGNMENT DATE;~~

~~(17) THE CHARGE MODIFICATION DATE;~~

~~(18) (6) WHETHER DIVERSION WAS, PROBLEM SOLVING COURT, OR  
AN ALTERNATIVE SENTENCING PROGRAM WERE OFFERED AND, IF SO:~~

~~(I) THE DATE DIVERSION WAS OFFERED;~~

~~(H) IF STATED ON THE RECORD, THE JUDICIAL POSITION ON  
DIVERSION; AND~~

~~(HH) THE DIVERSION TERMS, INCLUDING HOW MUCH THE  
DEFENDANT MUST PAY;~~

~~(19) (7) WHETHER THE ANY CHARGE THAT RESULTED IN A  
CONVICTION CARRIES A MANDATORY MINIMUM SENTENCE;~~

~~(20) THE PROSECUTOR'S RECOMMENDATION ON BAIL OR BOND,  
INCLUDING RELEASE CONDITIONS;~~

~~(21) WHETHER BAIL OR BOND WAS IMPOSED ON THE DEFENDANT;~~

~~(22) WHETHER BOND WAS SECURED, UNSECURED, OR OTHER TYPE;~~

~~(23) THE DATE BAIL OR BOND WAS IMPOSED;~~

~~(24) IF ORDERED, RELEASE CONDITIONS;~~

~~(25) THE DATE RANGE OF ANY PRETRIAL DETENTION;~~

~~(26) INFORMATION ON WHETHER A RISK ASSESSMENT OR OTHER  
ALGORITHM-BASED OR QUANTITATIVE TOOL WAS USED IN DETERMINING WHETHER  
PRETRIAL DETENTION WAS ORDERED OR THE AMOUNT OF BAIL OR BOND AND, IF  
USED;~~

~~(I) THE NAME OF THE OFFICE OR AGENCY THAT CONDUCTED  
THE RISK ASSESSMENT; AND~~

~~(H) THE NAME OF ANY OFFICE, AGENCY, INDIVIDUAL, OR  
ATTORNEY THAT RECEIVED THE RISK ASSESSMENT RESULTS;~~

~~(27) INFORMATION ON WHETHER A STATUTORY OR CONSTITUTIONAL  
RIGHT OF THE DEFENDANT WAS WAIVED, EITHER BY STIPULATION OR ON THE  
RECORD, INCLUDING:~~

~~(I) THE DATE OF THE WAIVER;~~

~~(H) THE RIGHT WAIVED; AND~~

~~(HH) WHETHER THE RIGHT WAS WAIVED AS A CONDITION OF A  
PLEA BARGAIN;~~

~~(28) WHETHER A PLEA WAS OFFERED;~~

~~(29) WHETHER A TIME LIMIT WAS PROVIDED WITH A PLEA OFFER;~~

~~(30) ALL TERMS OF ALL PLEAS OFFERED, INCLUDING:~~

~~(I) THE CHARGES DISMISSED;~~

~~(II) THE SENTENCE RANGES FOR THE CHARGES DISMISSED;~~

~~(III) THE CHARGES IN THE PLEA;~~

~~(IV) THE SENTENCE RANGES FOR THE CHARGES IN THE PLEA;~~

~~(V) ANY CHARGES COVERED BY THE PLEA BUT NOT PART OF  
THE CONVICTION; AND~~

~~(VI) THE PENALTIES OR SENTENCE OFFERED FOR TAKING THE  
PLEA;~~

~~(31) WHETHER THE PLEA WAS ACCEPTED OR REJECTED;~~

~~(32) WHETHER DISCOVERY WAS OFFERED TO THE DEFENDANT BEFORE  
THE PLEA;~~

~~(33) THE DATE DISCOVERY WAS DISCLOSED TO THE DEFENSE OR  
DEFENDANT;~~

~~(34) THE PRESIDING JUDGE AT THE PRETRIAL STAGE;~~

~~(35)(8) THE DISPOSITION, INCLUDING; AND~~

~~(I) THE CASE OR CHARGES DISMISSED BY THE STATE'S  
ATTORNEY, IF ANY;~~

~~(II) IF DISMISSED, THE REASON FOR DISMISSAL;~~

~~(III) IF CONVICTED, WHETHER BY PLEA, JURY TRIAL, OR BENCH  
TRIAL; AND~~

~~(IV) IF THE CASE WAS DISMISSED BY A JUDGE, THE REASON FOR  
DISMISSAL;~~

~~(36) THE PRESIDING JUDGE AT THE DISPOSITION;~~

~~(37) THE DISPOSITION DATE;~~

~~(38) THE SENTENCE TYPE;~~

~~(39)(9) THE SENTENCE LENGTH;~~

~~(40) THE PRESIDING JUDGE AT SENTENCING;~~

~~(41) SUPERVISION TERMS;~~

~~(42) SERVICES REQUIRED OR PROVIDED, IF ANY;~~

~~(43) FINES, FEES, OR SURCHARGES REQUIRED, IF ANY; AND~~

~~(44) FORFEITURE OF PROPERTY REQUIRED, IF ANY.~~

~~(B) INFORMATION DISCLOSED UNDER SUBSECTION (A) OF THIS SECTION  
MAY NOT INCLUDE ANY IDENTIFIABLE INFORMATION RELATING TO A WITNESS.~~

~~(C) EACH STATE'S ATTORNEY SHALL COOPERATE WITH THE  
ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION TO PROVIDE ANY DATA  
NECESSARY TO MEET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.~~

~~(D) THE ADMINISTRATIVE OFFICE OF THE COURTS COMMISSION SHALL  
RECORD AND MAINTAIN THE INFORMATION COLLECTED IN ACCORDANCE WITH THIS  
SECTION FOR AT LEAST 10 YEARS.~~

~~15-503.~~

~~(A) EACH STATE'S ATTORNEY SHALL COLLECT AND PUBLISH ON THE  
WEBSITE FOR EACH OFFICE IN ACCORDANCE WITH § 15-504 OF THIS SUBTITLE:~~

~~(1) ALL OFFICE POLICIES RELATED TO:~~

~~(I) CHARGING AND CHARGE DISMISSAL;~~

~~(II) BAIL;~~

~~(III) SENTENCING;~~

~~(IV) PLEA BARGAINS;~~

~~(V) GRAND JURY PRACTICES;~~

~~(VI) DISCOVERY PRACTICES;~~

~~(VII) WITNESS TREATMENT, INCLUDING WHEN AND HOW TO  
PROCURE A MATERIAL WITNESS WARRANT;~~

~~(VIII) HOW A DECISION IS MADE TO PROSECUTE A MINOR AS AN  
ADULT;~~

~~(IX) HOW FINES AND FEES ARE ASSESSED;~~

~~(X) CRIMINAL AND CIVIL FORFEITURE PRACTICES;~~

~~(XI) MENTAL HEALTH SCREENING AND COLLECTION OF MENTAL  
HEALTH HISTORY;~~

~~(XII) SUBSTANCE ABUSE SCREENING AND COLLECTION OF  
SUBSTANCE ABUSE HISTORY;~~

~~(XIII) DOMESTIC VIOLENCE SURVIVORS;~~

~~(XIV) DIVERSION PRACTICES AND POLICIES;~~

~~(XV) HUMAN RESOURCES, INCLUDING:~~

~~1. HIRING;~~

~~2. EVALUATING;~~

~~3. PROMOTING; AND~~

~~4. ROTATION AMONG DIVISIONS OR UNITS;~~

~~(XVI) INTERNAL DISCIPLINE POLICIES AND PROCEDURES;~~

~~(XVII) VICTIM SERVICES;~~

~~(XVIII) RESTORATIVE JUSTICE PROGRAMS;~~

~~(XIX) A LISTING OF OFFICE TRAININGS IN THE IMMEDIATELY  
PRECEDING CALENDAR YEAR;~~

~~(XX) PRACTICES INVOLVING TRACKING AND RESPONDING TO AN  
INMATE APPLICATION FOR PAROLE AND RESENTENCING; AND~~

~~(XXI) POLICIES SPECIFIC TO VULNERABLE POPULATIONS; AND~~



~~(2) THE NUMBER OF:~~

~~(I) ATTORNEYS ON STAFF;~~

~~(II) CASES HANDLED EACH YEAR FOR EACH ATTORNEY;~~

~~(III) ATTORNEYS WHO WORKED IN THE OFFICE IN A TEMPORARY  
OR CONTRACTUAL CAPACITY DURING THE IMMEDIATELY PRECEDING CALENDAR  
YEAR;~~

~~(IV) PARALEGALS AND ADMINISTRATIVE STAFF EMPLOYED BY  
THE OFFICE;~~

~~(V) INVESTIGATORS UTILIZED DURING THE IMMEDIATELY  
PRECEDING CALENDAR YEAR;~~

~~(VI) EXPERTS UTILIZED DURING THE IMMEDIATELY PRECEDING  
CALENDAR YEAR WHETHER ON STAFF OR OTHERWISE EMPLOYED; AND~~

~~(VII) POLICE OR DETECTIVES WHO WORK DIRECTLY FOR THE  
OFFICE.~~

~~(B) IF A STATE'S ATTORNEY DOES NOT MAINTAIN A POLICY RELATED TO  
THE TOPICS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION, THE STATE'S  
ATTORNEY SHALL AFFIRMATIVELY DISCLOSE THAT FACT.~~

~~15-504.~~

~~(A) BEGINNING APRIL 1, 2023, EACH STATE'S ATTORNEY SHALL MAKE  
PUBLICLY AVAILABLE ALL THE INFORMATION DESCRIBED IN § 15-503 OF THIS  
SUBTITLE BY:~~

~~(1) PUBLISHING THE INFORMATION ON THE STATE'S ATTORNEY'S  
WEBSITE; AND~~

~~(2) PROVIDING THE INFORMATION TO ANY PERSON WHO REQUESTS  
THE INFORMATION DIRECTLY FROM THE STATE'S ATTORNEY.~~

~~(B) THE STATE'S ATTORNEY SHALL INCLUDE IN THE INFORMATION  
COLLECTED UNDER § 15-503 OF THIS SUBTITLE:~~

~~(1) THE EFFECTIVE DATE OF THE POLICY; OR~~

~~(2) THE DATE THE INFORMATION WAS GATHERED.~~

~~(C) EACH STATE'S ATTORNEY SHALL PUBLISH REVISED, UPDATED, OR NEWLY DRAFTED POLICIES OR NEWLY COLLECTED INFORMATION ON A TIMELY BASIS AT LEAST ONCE EACH YEAR.~~

~~15-505.~~

~~(A) (1) THE COMMISSION, IN COORDINATION WITH THE ADMINISTRATIVE OFFICE OF THE COURTS, SHALL:~~

~~(I) DETERMINE THE MANNER IN WHICH THE ADMINISTRATIVE OFFICE OF THE COURTS PROVIDES TO THE COMMISSION THE INFORMATION COLLECTED UNDER § 15-502 OF THIS SUBTITLE;~~

~~(II) ENSURE THAT DISCLOSURE OF INFORMATION UNDER THIS SUBTITLE IS PERFORMED IN A UNIFORM AND CONSISTENT MANNER; AND~~

~~(III) DETERMINE AN IMPLEMENTATION SCHEDULE AND PLAN BY WHICH THE ADMINISTRATIVE OFFICE OF THE COURTS WILL DISCLOSE INFORMATION COLLECTED UNDER § 15-502 OF THIS SUBTITLE ON OR BEFORE OCTOBER 1, 2025.~~

~~(2) THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY:~~

~~(I) INCLUDE IMPLEMENTATION ON A ROLLING BASIS THAT STARTS BY PRIORITIZING A SUBSET OF THE DATA COLLECTED UNDER § 15-502 OF THIS SUBTITLE; OR~~

~~(II) PRIORITIZE DISCLOSURE OF SPECIFIC INFORMATION FROM LARGER STATE'S ATTORNEY OFFICES.~~

~~(B) (1) ON OR BEFORE OCTOBER 1, 2023, AND IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE AND PLAN DESCRIBED IN SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL BEGIN DISCLOSING DATA, STRIPPED OF ANY INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION ABOUT ANY PERSON ARRESTED OR PROSECUTED, TO THE COMMISSION FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.~~

~~(2) ON OR BEFORE JANUARY 31, 2024, THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL COMPLETE THE REQUIRED DISCLOSURE OF DATA UNDER THIS SUBSECTION.~~

~~15-503.~~

~~(C) (A) (1) ON OR BEFORE MAY 1, 2024 2025, AND EACH MAY 1 THEREAFTER, THE COMMISSION SHALL PUBLISH ONLINE THE DATA COLLECTED UNDER § 15-502 OF THIS SUBTITLE IN A MODERN, OPEN, ELECTRONIC FORMAT THAT IS MACHINE-READABLE, MACHINE-SEARCHABLE, AND READILY ACCESSIBLE TO THE PUBLIC ON THE COMMISSION'S WEBSITE.~~

~~(2) (B) DATA PUBLISHED IN ACCORDANCE WITH THIS SUBSECTION MAY NOT CONTAIN INDIVIDUALIZED OR IDENTIFYING PERSONAL INFORMATION ABOUT ANY PERSON ARRESTED OR PROSECUTED.~~

~~(D) ON OR BEFORE SEPTEMBER 1, 2024, THE COMMISSION SHALL REPORT ON THE DATA RECEIVED FROM THE ADMINISTRATIVE OFFICE OF THE COURTS, COMPARING AND CONTRASTING THE PRACTICES AND TRENDS AMONG JURISDICTIONS.~~

~~(E) (1) THE COMMISSION SHALL, AT LEAST TWICE PER YEAR, PUBLISH ISSUE-SPECIFIC REPORTS THAT PROVIDE IN-DEPTH ANALYSIS OF ONE OR MORE AREAS OF PROSECUTORIAL DECISION MAKING.~~

~~(2) AT LEAST ONE REPORT UNDER THIS SUBSECTION SHALL FOCUS ON RACIAL DISPARITIES.~~

~~15-506. 15-504.~~

~~(A) (1) IN ORDER TO COMPLY WITH A REQUEST MADE UNDER THE MARYLAND PUBLIC INFORMATION ACT, A STATE'S ATTORNEY MAY SATISFY A REQUEST FOR INFORMATION GATHERED AS REQUIRED UNDER THIS SUBTITLE BY REFERRING THE REQUESTING PARTY TO THE COMMISSION WEBSITE CONTAINING THE DATA IF THE STATE'S ATTORNEY:~~

~~(I) IS IN COMPLIANCE WITH THIS SUBTITLE; AND~~

~~(II) IN GOOD FAITH, REASONABLY BELIEVES THAT THE REQUEST FOR INFORMATION CAN BE SATISFIED BY REFERENCE TO THE DATA MADE PUBLICLY AVAILABLE UNDER THIS SUBTITLE.~~

~~(2) IF AN INFORMATION REQUEST IS ABLE TO BE SATISFIED IN ACCORDANCE WITH THIS SUBSECTION, THE STATE'S ATTORNEY MAY FULFILL THE REQUEST WITHOUT AFFIRMATIVELY COLLECTING OR DISCLOSING THE PARTICULAR INFORMATION BEING REQUESTED.~~

~~(B) THE REQUESTING PARTY MAY SEEK JUDICIAL REVIEW IN ACCORDANCE WITH § 4-362 OF THE GENERAL PROVISIONS ARTICLE FOR PURPOSES OF COMPELLING DISCLOSURE IF:~~

~~(1) THE REQUESTING PARTY DOES NOT BELIEVE THAT THE REQUEST CAN BE SATISFIED UNDER THIS SECTION; AND~~

~~(2) THE STATE'S ATTORNEY REFUSES TO DISCLOSE THE INFORMATION BEING REQUESTED.~~

~~Article — Education~~

~~24-701.~~

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

~~(1) “Student data” means data relating to or impacting student performance.~~

~~(2) “Student data” includes:~~

~~(i) State and national assessments;~~

~~(ii) Course taking and completion;~~

~~(iii) Grade point average;~~

~~(iv) Remediation;~~

~~(v) Retention;~~

~~(vi) Degree, diploma, or credential attainment;~~

~~(vii) Enrollment;~~

~~(viii) Demographic data;~~

~~(ix) Juvenile delinquency records;~~

~~(x) Elementary and secondary school disciplinary records;~~

~~(xi) Child welfare data;~~

~~(xii) License, industry certificate, or vocational certificate; and~~

~~(xiii) Personally identifiable information.~~

~~(3) "Student data" does not include:~~

~~(i) Criminal and CINA records; and~~

~~(ii) Medical] MEDICAL and health records.~~

~~24-703.~~

~~(a) There is a Maryland Longitudinal Data System Center.~~

~~(f) The Center shall perform the following functions and duties:~~

~~(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:~~

~~(i) The State Department of Education;~~

~~(ii) Local education agencies;~~

~~(iii) The Maryland Higher Education Commission;~~

~~(iv) Institutions of higher education;~~

~~(v) The Maryland Department of Labor;~~

~~(vi) The Department of Juvenile Services; and~~

~~(vii) The Social Services Administration within the Department of Human Services;~~

~~6-201.~~

~~In this part, "Commission" means the State Commission on Criminal Sentencing Policy.~~

~~6-209.~~

~~(a) The Commission shall review annually sentencing policy and practice and, on or before January 31 of each year, report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the activities of the preceding calendar year.~~

~~(b) (1) The report shall:~~

~~(i) include any changes to the sentencing guidelines made during the preceding year;~~

*(ii) review judicial compliance with the sentencing guidelines, including compliance by crime and by judicial circuit;*

**(III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:**

**1. FOR SENTENCES INVOLVING A CRIME OF VIOLENCE, INCLUDE INFORMATION DISAGGREGATED BY CIRCUIT ON:**

**A. THE NUMBER AND PERCENTAGE OF SENTENCING EVENTS IN EACH DISPOSITION CATEGORY, AS INDICATED ON THE SENTENCING GUIDELINES WORKSHEET;**

**B. THE NUMBER AND PERCENTAGE OF SENTENCING EVENTS THAT RESULTED IN A DEPARTURE FROM THE SENTENCING GUIDELINES; AND**

**C. FOR SENTENCING EVENTS THAT RESULTED IN A DEPARTURE FROM THE SENTENCING GUIDELINES, THE DEPARTURE REASONS CITED AND THE NUMBER AND PERCENTAGE OF EVENTS IN WHICH EACH REASON WAS CITED; AND**

**2. FOR SENTENCING EVENTS INVOLVING A CRIME OF VIOLENCE, REPORT DISAGGREGATED BY CIRCUIT AND CRIME ON:**

**A. THE AVERAGE TOTAL SENTENCE;**

**B. THE AVERAGE NONSUSPENDED SENTENCE; AND**

**C. FOR SENTENCES IN WHICH A PORTION OF THE SENTENCE WAS SUSPENDED, THE AVERAGE PERCENTAGE OF THE TOTAL SENTENCE SUSPENDED;**

*[(iii)] (IV) review reductions or increases in original sentences that have occurred because of reconsiderations of sentences imposed under § 14-101 of the Criminal Law Article; and*

*[(iv)] (V) categorize information on the number of reconsiderations of sentences by crimes as listed in § 14-101(a) of the Criminal Law Article and by judicial circuit.*

*(2) The Commission shall consider a sentence to a corrections options program to be within the sentencing guidelines if the sentence falls within a corrections options zone shown on the matrix.*

**(3) THE COMMISSION SHALL CONSPICUOUSLY POST THE INFORMATION REQUIRED TO BE INCLUDED IN THE REPORT UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION IN A DATA DASHBOARD ON ITS PUBLIC WEBSITE.**

**Article – Education**

**24-701.**

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

**(l) (1) “Student data” means data relating to or impacting student performance.**

**(2) “Student data” includes:**

**(i) State and national assessments;**

**(ii) Course-taking and completion;**

**(iii) Grade point average;**

**(iv) Remediation;**

**(v) Retention;**

**(vi) Degree, diploma, or credential attainment;**

**(vii) Enrollment;**

**(viii) Demographic data;**

**(ix) Juvenile delinquency records;**

**(x) Elementary and secondary school disciplinary records;**

**(xi) Child welfare data;**

**(xii) License, industry certificate, or vocational certificate; and**

**(xiii) Personally identifiable information.**

**(3) “Student data” does not include[:**

**(i) Criminal and CINA records; and**

**(ii) Medical/ **MEDICAL** and health records.**

24-703.

(a) There is a Maryland Longitudinal Data System Center.

(f) The Center shall perform the following functions and duties:

(1) Serve as a central repository of student data and workforce data in the Maryland Longitudinal Data System, including data sets provided by:

(i) The State Department of Education;

(ii) Local education agencies;

(iii) The Maryland Higher Education Commission;

(iv) Institutions of higher education;

(v) The Maryland Department of Labor;

(vi) The Department of Juvenile Services; and

(vii) The Social Services Administration within the Department of Human Services;

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

**Article – Public Safety**

3-104.

(d) On completion of an investigation of a complaint [made by] **OF POLICE MISCONDUCT INVOLVING** a member of the public [against] **AND** a police officer, **REGARDLESS OF WHETHER THE COMPLAINT ORIGINATED FROM WITHIN THE LAW ENFORCEMENT AGENCY OR FROM AN EXTERNAL SOURCE**, the law enforcement agency shall forward to the appropriate administrative charging committee the investigatory files for the matter.

3-105.

(a) The Maryland Police Training and Standards Commission shall develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State.



(b) Each law enforcement agency shall adopt the uniform State disciplinary matrix **FOR ALL MATTERS THAT MAY RESULT IN DISCIPLINE OF A POLICE OFFICER.**

(c) (1) Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency shall offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix.

(2) The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix, but may not deviate below the discipline recommended by the administrative charging committee.

(3) If the police officer accepts the chief's offer of discipline, then the offered discipline shall be imposed.

(4) If the police officer does not accept the chief's offer of discipline, then the matter shall be referred to a trial board.

(5) At least 30 days before a trial board proceeding begins, the police officer shall be:

(i) provided a copy of the investigatory record;

(ii) notified of the charges against the police officer; and

(iii) notified of the disciplinary action being recommended.

3-106.

(a) (1) Except as provided in paragraph (2) of this subsection, each law enforcement agency shall establish a trial board process in accordance with this section to adjudicate **ALL** matters for which a police officer is subject to discipline.

(2) A small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement.

(b) (1) **[A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A trial board shall be composed of:**

**[(1)] (I)** an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court, appointed by the chief executive officer of the county;

**[(2)] (II)** a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and

1           ~~[(3)]~~ **(III)** *a police officer of equal rank to the police officer who is accused of*  
2 *misconduct appointed by the head of the law enforcement agency.*

3           **(2) (I) THIS PARAGRAPH MAY NOT BE CONSTRUED TO APPLY TO**  
4 **THE BALTIMORE POLICE DEPARTMENT.**

5           **(II) A TRIAL BOARD FOR A STATEWIDE OR BI-COUNTY LAW**  
6 **ENFORCEMENT AGENCY SHALL BE COMPOSED OF:**

7                       **1. AN ACTIVELY SERVING OR RETIRED ADMINISTRATIVE**  
8 **LAW JUDGE APPOINTED BY THE CHIEF ADMINISTRATIVE LAW JUDGE OF THE**  
9 **MARYLAND OFFICE OF ADMINISTRATIVE HEARINGS;**

10                      **2. A CIVILIAN WHO IS NOT A MEMBER OF AN**  
11 **ADMINISTRATIVE CHARGING COMMITTEE OR THE MARYLAND POLICE TRAINING**  
12 **AND STANDARDS COMMISSION, APPOINTED BY THE POLICE ACCOUNTABILITY**  
13 **BOARD FOR THE COUNTY WHERE THE ALLEGED MISCONDUCT OCCURRED; AND**

14                      **3. A POLICE OFFICER OF EQUAL RANK TO THE POLICE**  
15 **OFFICER WHO IS ACCUSED OF MISCONDUCT APPOINTED BY THE HEAD OF THE LAW**  
16 **ENFORCEMENT AGENCY.**

17           **(c) THE ACTIVELY SERVING OR RETIRED ADMINISTRATIVE LAW JUDGE OR**  
18 **THE RETIRED JUDGE OF THE DISTRICT COURT OR A CIRCUIT COURT SHALL:**

19                      **(1) BE THE CHAIR OF THE TRIAL BOARD;**

20                      **(2) BE RESPONSIBLE FOR RULING ON ALL MOTIONS BEFORE THE**  
21 **TRIAL BOARD; AND**

22                      **(3) PREPARE THE WRITTEN DECISION OF THE TRIAL BOARD,**  
23 **INCLUDING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE TRIAL**  
24 **BOARD.**

25           **(D)** *Before serving as a member of a trial board, an individual shall receive*  
26 *training on matters relating to police procedures from the Maryland Police Training and*  
27 *Standards Commission.*

28           ~~[(d)]~~ **(E)** *Proceedings of a trial board shall be open to the public, except to protect:*

29                      **(1)** *a victim's identity;*

30                      **(2)** *the personal privacy of an individual;*

(3) a child witness;

(4) medical records;

(5) the identity of a confidential source;

(6) an investigative technique or procedure; or

(7) the life or physical safety of an individual.

**[(e)] (F)** A trial board may administer oaths and issue subpoenas as necessary to complete its work.

**[(f)] (G)** A complainant has the right to be notified of a trial board hearing and, except as provided in subsection [(d)] (E) of this section, the right to attend a trial board hearing.

**[(g)] (H)** Except as otherwise provided in this subtitle, a law enforcement agency has the burden of proof by a preponderance of the evidence in any proceeding under this subtitle.

**[(h)] (I)** A police officer may be disciplined only for cause.

**(J) WITHIN 45 DAYS AFTER THE FINAL HEARING BY A TRIAL BOARD, THE TRIAL BOARD SHALL ISSUE A WRITTEN DECISION REFLECTING THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF A MAJORITY OF THE TRIAL BOARD.**

**[(i)] (K)** (1) Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the [employee] POLICE OFFICER:

(i) if the trial board is from a local law enforcement agency, to the circuit court of the county in which the law enforcement agency is located; [and]

(ii) **IF THE TRIAL BOARD IS FROM A BI-COUNTY LAW ENFORCEMENT AGENCY, TO A CIRCUIT COURT IN A COUNTY IN WHICH THE INCIDENT THAT GAVE RISE TO THE DISCIPLINARY PROCEEDING OCCURRED; AND**

**(III)** if the trial board is from a statewide [or bi-county] law enforcement agency, to the Circuit Court for Anne Arundel County.

(2) An appeal taken under this subsection shall be on the record.

**[(j)] (L)** A trial board decision [that is not appealed] is final UNLESS APPEALED BY A POLICE OFFICER UNDER SUBSECTION (K) OF THIS SECTION.

3-111.

(A) A law enforcement agency may not negate or alter any of the requirements of this subtitle through collective bargaining.

(B) COLLECTIVE BARGAINING MAY NOT BE USED TO ESTABLISH OR ALTER ANY ASPECT OF THE PROCESS FOR DISCIPLINING A POLICE OFFICER.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Public Safety

3-527.

(a) (1) In this section the following words have the meanings indicated.

(2) “Law enforcement agency” has the meaning stated in § 3-201 of this title.

(3) “Police officer” has the meaning stated in § 3-201 of this title.

(b) A law enforcement agency shall notify the Independent [Investigative Unit] INVESTIGATIONS DIVISION within the Office of the Attorney General of any [alleged or potential police-involved death of a civilian] POLICE-INVOLVED INCIDENT THAT RESULTS IN THE DEATH OF A CIVILIAN OR INJURIES THAT ARE LIKELY TO RESULT IN THE DEATH OF A CIVILIAN as soon as the law enforcement agency becomes aware of the incident.

(c) (1) A law enforcement agency shall cooperate with AND MAY NOT IMPEDE the Independent [Investigative Unit] INVESTIGATIONS DIVISION in connection with the investigation AND PROSECUTION of a police-involved death of a civilian.

(2) ON REQUEST OF THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE, A LOCAL LAW ENFORCEMENT AGENCY SHALL PROVIDE ANY REQUESTED EVIDENCE TO THE INDEPENDENT INVESTIGATIONS DIVISION.

(D) (1) THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE MAY SEEK TEMPORARY OR PERMANENT INJUNCTIVE RELIEF IN A COURT OF COMPETENT JURISDICTION IN ORDER TO FACILITATE AN INVESTIGATION OR TO PREVENT INTERFERENCE WITH AN INVESTIGATION.

(2) IN A REQUEST FOR INJUNCTIVE RELIEF BROUGHT UNDER THIS SUBSECTION, THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL’S DESIGNEE IS NOT REQUIRED TO:

(I) POST BOND;

(II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW  
DOES NOT EXIST; OR

(III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE  
DAMAGE WOULD RESULT FROM ANY CONDUCT ALLEGED.

Article – State Government

SUBTITLE 6. INDEPENDENT INVESTIGATIONS DIVISION.

6-601.

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

(B) “DIVISION” MEANS THE INDEPENDENT INVESTIGATIONS DIVISION IN  
THE OFFICE OF THE ATTORNEY GENERAL.

(C) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE  
PUBLIC SAFETY ARTICLE.

[6-106.2.] 6-602.

(a) [In this section, “police officer” has the meaning stated in § 3-201 of the Public  
Safety Article.

(b)] There is an Independent [Investigative Unit] INVESTIGATIONS DIVISION  
within the Office of the Attorney General.

(B) (1) THE DIVISION IS THE PRIMARY INVESTIGATIVE UNIT FOR  
POLICE-INVOLVED INCIDENTS THAT RESULT IN THE DEATH OF CIVILIANS OR  
INJURIES LIKELY TO RESULT IN DEATH.

(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL DETERMINE  
WHETHER AN INCIDENT IS POLICE-INVOLVED AND WHETHER AN INJURY IS LIKELY  
TO RESULT IN DEATH.

(c) [(1)] The [Independent Investigative Unit] DIVISION:

(1) shall investigate all [alleged or potential police-involved deaths of  
civilians.] POLICE-INVOLVED INCIDENTS THAT RESULT IN THE DEATH OF A CIVILIAN  
OR INJURIES THAT ARE LIKELY TO RESULT IN THE DEATH OF A CIVILIAN; AND

(2) *[The Independent Investigative Unit] may investigate any other crimes related to police misconduct that are discovered during an investigation under [paragraph] ITEM (1) of this subsection.*

(d) *In conducting an investigation under subsection (c) of this section, the [Independent Investigative Unit] DIVISION may act with the full powers, rights, privileges, and duties of a State's Attorney, including the use of a grand jury in any county.*

(e) (1) *Within 15 days after completing an investigation required under subsection (c) of this section, the [Independent Investigative Unit] DIVISION shall transmit a report containing detailed investigative findings to the State's Attorney of the county that has jurisdiction to prosecute the matter.*

(2) *Except as otherwise provided by law, the report under this subsection shall remain confidential through adjudication of any associated criminal case at the trial court level.*

(f) *To investigate and assist with the investigation of alleged criminal offenses committed by police officers, the [Independent Investigative Unit] DIVISION may:*

(1) *detail one or more police officers employed by the Department of State Police; and*

(2) *employ other civilian personnel as needed.*

~~g~~ (1) *The Governor annually shall include funding in the State budget sufficient to provide for the full and proper operation of the Independent Investigative Unit.*

(2) *Funds provided in accordance with this subsection shall supplement and may not supplant any other funding provided to the Independent Investigative Unit.*~~g~~

**6-603.**

**(A) (1) FOR THE LIMITED PURPOSE OF FURTHERING AN ONGOING CRIMINAL INVESTIGATION, THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY GENERAL OR AN ASSISTANT ATTORNEY GENERAL DESIGNATED IN WRITING BY THE ATTORNEY GENERAL MAY ISSUE IN ANY COURT IN THE STATE A SUBPOENA TO A PERSON TO PRODUCE TELEPHONE, BUSINESS, GOVERNMENT, OR CORPORATE RECORDS OR DOCUMENTS.**

**(2) A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED BY A CIRCUIT COURT.**

1        (B) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY  
2 CONTACT MADE UNDER SUBSECTION (A) OF THIS SECTION WITH THE ATTORNEY  
3 GENERAL OR AN AGENT OF THE ATTORNEY GENERAL.

4        (2) THE ATTORNEY GENERAL SHALL ADVISE A PERSON OF THE RIGHT  
5 TO COUNSEL WHEN THE SUBPOENA IS SERVED.

6        (C) (1) (I) IF A PERSON FAILS TO OBEY A LAWFULLY SERVED  
7 SUBPOENA UNDER SUBSECTION (A) OF THIS SECTION, THE ATTORNEY GENERAL  
8 MAY REPORT THE FAILURE TO OBEY THE SUBPOENA TO THE CIRCUIT COURT WITH  
9 JURISDICTION OVER THE MATTER.

10        (II) THE ATTORNEY GENERAL SHALL PROVIDE A COPY OF THE  
11 SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

12        (2) AFTER CONDUCTING A HEARING AT WHICH THE PERSON THAT  
13 ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)  
14 OF THIS SECTION HAS HAD AN OPPORTUNITY TO BE HEARD AND BE REPRESENTED  
15 BY COUNSEL, THE COURT MAY GRANT APPROPRIATE RELIEF.

16        (D) THIS SECTION DOES NOT ALLOW THE CONTRAVENTION, DENIAL, OR  
17 ABROGATION OF A PRIVILEGE OR RIGHT RECOGNIZED BY LAW.

18        SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That:

19        (a) There is a Task Force to Study ~~Criminal Justice Data Transparency~~  
20 Transparency Standards for State's Attorneys.

21        (b) The Task Force consists of the following members:

22        (1) two members of the Senate of Maryland and two members of the  
23 community, appointed by the President of the Senate;

24        (2) two members of the House of Delegates and two members of the  
25 community, appointed by the Speaker of the House;

26        (3) the President of the Maryland State's Attorneys' Association, or the  
27 President's designee;

28        (4) the Executive Director of the Maryland State Commission on Criminal  
29 Sentencing Policy, or the Executive Director's designee;

30        (5) one representative of the Administrative Office of the Courts, appointed  
31 by the ~~Governor~~ Chief Judge of the Court of Appeals; and

(6) one representative of the Vera Institute of Justice, appointed by the Governor;

(7) the Chair of the Attorney Grievance Commission, or the Chair's designee;  
and

(8) one representative of a crime victims' advocacy group, appointed by the Governor.

(c) The President of the Senate and the Speaker of the House shall each designate one co-chair of the Task Force.

(d) The ~~Maryland State Commission on Criminal Sentencing Policy~~ Department of Legislative Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Task Force shall:

~~(1) study the possibility of expanding the data collection and disclosure requirements established under Section 1 of this Act to include cases of the District Court; and establishing minimum transparency standards for State's Attorneys.~~

~~(2) make recommendations on potential statutory changes necessary to expand data collection and reporting~~ In conducting its study, the Task Force shall:

(i) develop processes by which prosecutors can collect information and determine what information should be made public and what information may be kept private; and

(ii) examine any existing policies of State's Attorneys' offices across the State relating to the transparency of data, the charging of crimes, and sentencing.

(g) On or before December 31, 2023, the Task Force shall report its findings and recommendations to the Senate Judicial Proceedings Committee and the House Judiciary Committee in accordance with § 2-1257 of the State Government Article.

SECTION ~~2~~ ~~3~~ 5. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.



1 ~~SECTION 3. 4. AND BE IT FURTHER ENACTED, That this Act shall take effect~~  
2 ~~October 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 9~~  
3 ~~months and, at the end of June 30, 2024, Section 2 of this Act, with no further action~~  
4 ~~required by the General Assembly, shall be abrogated and of no further force and effect.~~

5 *SECTION 6. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take*  
6 *effect October 1, 2022. It shall remain effective for a period of 3 years and, at the end of*  
7 *September 30, 2025, Section 1 of this Act, with no further action required by the General*  
8 *Assembly, shall be abrogated and of no further force and effect.*

9 *SECTION 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take*  
10 *effect July 1, 2022, the effective date of Section 3 of Chapter 59 of the Acts of the General*  
11 *Assembly of 2021. If the effective date of Section 3 of Chapter 59 is amended, Section 2 of*  
12 *this Act shall take effect on the taking effect of Section 3 of Chapter 59.*

13 *SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in Sections*  
14 *6 and 7 of this Act, this Act shall take effect July 1, 2022. Section 4 of this Act shall remain*  
15 *effective for a period of 2 years and, at the end of June 30, 2024, Section 4 of this Act, with*  
16 *no further action required by the General Assembly, shall be abrogated and of no further*  
17 *force and effect.*

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.