

HOUSE BILL 1023

P5, E4, E3

2lr3209
CF SB 785

By: **The Speaker (By Request – Department of Legislative Services)**

Introduced and read first time: February 10, 2022

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **Department of Legislative Services – Collection of Information Related to**
3 **Public Safety, Criminal Justice, Corrections, and Juvenile Services**

4 FOR the purpose of requiring the Department of State Police to collect, analyze, and
5 disseminate, and law enforcement agencies to submit to the Department of State
6 Police, certain information about law enforcement employees; altering the
7 information that law enforcement agencies are required to submit to the Maryland
8 Police Training and Standards Commission related to serious officer-involved
9 incidents; specifying the required contents of a certain use of force incident report;
10 altering the date by which law enforcement agencies are required to submit to the
11 Commission certain data related to police officers' use of force; requiring the
12 Department of Public Safety and Correctional Services, the Department of State
13 Police, the ~~Maryland Police Training and Standards~~ Commission, and the Governor's
14 Office of Crime Prevention, Youth, and Victim Services to provide certain
15 information related to public safety and criminal justice in a certain manner to the
16 Department of Legislative Services on or before a certain date each year; requiring
17 the Department of Legislative Services and the Department of State Police to enter
18 into a certain memorandum of understanding related to a data sharing agreement
19 for information contained in certain reports, a certain work plan, and an update on
20 the status of compliance by law enforcement agencies with the National
21 Incident-Based Reporting System; requiring the Department of Legislative Services
22 and the Department of Juvenile Services to enter into a certain memorandum of
23 understanding relating to the provision of certain reports and the development of a
24 certain work plan; and generally relating to information required to be submitted to
25 the Department of Legislative Services.

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.



BY repealing and reenacting, with amendments,

Article – Public Safety

Section 2–307(a) and 3–207(b)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Public Safety

Section 3–201(a) and (b)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–514(a) and (b)(1)

Annotated Code of Maryland

(2018 Replacement Volume and 2021 Supplement)

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

BY adding to

Article – State Government

Section 2–1261

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 – Public Safety

2–307.

(a) (1) The Department shall collect, analyze, and disseminate:

(I) information about the incidence of crime in the State; AND

**(II) INFORMATION, INCLUDING RACE AND SEX, ON THE TOTAL
NUMBER OF LAW ENFORCEMENT EMPLOYEES, DE-IDENTIFIED AND
DISAGGREGATED BY:**

1. POSITION FOR CIVILIAN EMPLOYEES; AND

2. RANK FOR SWORN EMPLOYEES.

(2) EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE THE DEPARTMENT WITH THE INFORMATION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IN THE FORMAT THAT THE SECRETARY REQUIRES.

3-201.

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

(b) “Commission” means the Maryland Police Training and Standards Commission.

3-207.

(b) (1) The Commission shall develop a system by which law enforcement agencies report to the Commission [on the number of serious officer-involved incidents each year, the number of officers disciplined each year, and the type of discipline administered to those officers] EACH SERIOUS OFFICER-INVOLVED INCIDENT EACH YEAR, INCLUDING FOR EACH INCIDENT:

(I) THE NUMBER OF OFFICERS INVOLVED BY RACE, ETHNICITY, AND SEX;

(II) THE NUMBER OF OFFICERS DISCIPLINED BY RACE, ETHNICITY, AND SEX; AND

(III) THE TYPE OF DISCIPLINE ADMINISTERED TO EACH OFFICER, BY THE OFFICER’S RACE, ETHNICITY, AND SEX.

Article – State Government

2-1261.

(A) **ON OR BEFORE OCTOBER 31 EACH YEAR, THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES SHALL SUBMIT TO THE DEPARTMENT, IN ~~ELECTRONIC FORMAT~~ THE FORM OF ELECTRONIC RAW DATA, DE-IDENTIFIED AND DISAGGREGATED BY AGE, RACE, AND SEX, INFORMATION REQUIRED TO BE REPORTED TO THE GOVERNOR IN ACCORDANCE WITH § 3-207(A)(2) OF THE CORRECTIONAL SERVICES ARTICLE.**

~~(B) (1) ON OR BEFORE OCTOBER 31 EACH YEAR, THE DEPARTMENT OF STATE POLICE SHALL SUBMIT TO THE DEPARTMENT, IN ELECTRONIC FORMAT, THE FOLLOWING INFORMATION PROVIDED IN THE CRIME IN MARYLAND REPORT AND HATE BIAS REPORT:~~

~~(I) INFORMATION, DE-IDENTIFIED AND DISAGGREGATED BY INCIDENT, COLLECTED THROUGH THE UNIFORM CRIME REPORTING PROGRAM ON THE FOLLOWING CRIME CATEGORIES:~~

- ~~1. CRIMINAL HOMICIDE;~~
- ~~2. FORCIBLE RAPE;~~
- ~~3. ROBBERY;~~
- ~~4. ASSAULT;~~
- ~~5. BREAKING OR ENTERING;~~
- ~~6. LARCENY OR THEFT;~~
- ~~7. MOTOR VEHICLE THEFT; AND~~
- ~~8. ARSON;~~

~~(II) INFORMATION, DE-IDENTIFIED AND DISAGGREGATED BY INCIDENT, COLLECTED THROUGH THE UNIFORM CRIME REPORTING PROGRAM ON ARRESTS, INCLUDING THE FOLLOWING INFORMATION ON EACH ARREST:~~

- ~~1. OFFENSE;~~
- ~~2. COUNTY;~~
- ~~3. LAW ENFORCEMENT AGENCY;~~
- ~~4. DATE; AND~~
- ~~5. AGE, SEX, AND RACE OF INDIVIDUAL ARRESTED;~~

~~(III) INFORMATION, DE-IDENTIFIED AND DISAGGREGATED BY INCIDENT, COLLECTED IN ACCORDANCE WITH § 2-307 OF THE PUBLIC SAFETY ARTICLE; AND~~

~~(IV) INFORMATION, DE-IDENTIFIED AND DISAGGREGATED BY POSITION AND RANK, ON THE TOTAL NUMBER OF LAW ENFORCEMENT EMPLOYEES, BOTH SWORN AND CIVILIAN, INCLUDING RACE, ETHNICITY, AND SEX.~~

~~(2) INFORMATION REQUIRED TO BE SUBMITTED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION SHALL INCLUDE THE FOLLOWING INFORMATION FOR EACH INCIDENT:~~

~~(I) OFFENSE, INCLUDING OFFENSE SUBTYPE;~~

~~(II) DATE, COUNTY, ZIP CODE, AND INCIDENT LOCATION TYPE;~~

~~(III) AGENCY;~~

~~(IV) AGE, RACE, ETHNICITY, AND SEX OF VICTIM;~~

~~(V) AGE, RACE, ETHNICITY, AND SEX OF OFFENDER;~~

~~(VI) CLEARANCE STATUS;~~

~~(VII) IF THE OFFENSE IS MURDER:~~

~~1. WHETHER IT WAS DRUG RELATED;~~

~~2. RELATIONSHIP OF OFFENDER TO VICTIM; AND~~

~~3. CIRCUMSTANCES;~~

~~(VIII) IF THE OFFENSE IS A DOMESTIC CRIME:~~

~~1. HOUSEHOLD STATUS AND RELATIONSHIP;~~

~~2. ASSOCIATED CRIMES, IF ANY;~~

~~3. ALCOHOL OR DRUG INVOLVEMENT, IF ANY; AND~~

~~4. CIRCUMSTANCES;~~

~~(IX) IF THE OFFENSE IS MOTOR VEHICLE THEFT, VEHICLE TYPE;~~

~~(X) IF THE OFFENSE IS CARJACKING:~~

~~1. DAY OF THE WEEK AND HOUR OF THE DAY;~~

~~2. ACCOSTING SITUATION; AND~~

~~3. VICTIM INJURIES, IF ANY; AND~~

~~(XI) IF THE OFFENSE IS ARSON, TYPE OF PROPERTY.~~

(B) (1) ON OR BEFORE NOVEMBER 30 EACH YEAR, THE DEPARTMENT OF
STATE POLICE SHALL SUBMIT TO THE DEPARTMENT, IN A FORMAT THAT THE

EXECUTIVE DIRECTOR REQUIRES, THE INFORMATION COLLECTED IN ACCORDANCE WITH § 2-307(A)(2) OF THE PUBLIC SAFETY ARTICLE.

(2) ON OR BEFORE AUGUST 1, 2022, THE DEPARTMENT OF STATE POLICE AND THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL INCLUDE:

(I) A DATA SHARING AGREEMENT FOR ALL INFORMATION COLLECTED IN ACCORDANCE WITH § 2-307 OF THE PUBLIC SAFETY ARTICLE;

(II) A WORK PLAN FOR ACCESS TO COLLECTED DATA FOR RESEARCH AND STATISTICAL ANALYSIS PURPOSES;

(III) A LISTING OF ALL DATA FIELDS COLLECTED FOR THE CRIME IN MARYLAND REPORT AND THE HATE BIAS REPORT; AND

(IV) AN UPDATE ON THE STATUS OF COMPLIANCE WITH THE NATIONAL INCIDENT-BASED REPORTING SYSTEM BY LAW ENFORCEMENT AGENCIES IN THE STATE.

(C) ON OR BEFORE OCTOBER 31 EACH YEAR, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL SUBMIT TO THE DEPARTMENT, IN ~~ELECTRONIC FORMAT~~ THE FORM OF ELECTRONIC RAW DATA, DE-IDENTIFIED AND DISAGGREGATED BY AGENCY AND INCIDENT:

(1) ~~(H)~~ INFORMATION REQUIRED TO BE REPORTED TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 3-514(B)(1) OF THE PUBLIC SAFETY ARTICLE; AND

~~(H) THE FOLLOWING ADDITIONAL INFORMATION ON EACH USE OF FORCE INCIDENT:~~

~~1. THE AGE, GENDER, ETHNICITY, AND RACE OF EACH INDIVIDUAL INVOLVED IN THE INCIDENT;~~

~~2. THE AGE, GENDER, ETHNICITY, AND RACE OF EACH POLICE OFFICER INVOLVED IN THE INCIDENT;~~

~~3. A BRIEF DESCRIPTION OF THE CIRCUMSTANCES SURROUNDING THE INCIDENT; AND~~

~~4. THE DATE, TIME, AND LOCATION OF THE INCIDENT;~~
~~AND~~

(2) ~~(H)~~ INFORMATION REQUIRED TO BE COLLECTED IN ACCORDANCE WITH § 3-207(B) OF THE PUBLIC SAFETY ARTICLE; ~~AND.~~

~~(H) THE FOLLOWING ADDITIONAL INFORMATION ON EACH SERIOUS OFFICER INVOLVED INCIDENT:~~

~~1. THE NUMBER OF OFFICERS INVOLVED BY RACE, ETHNICITY, AND SEX;~~

~~2. THE NUMBER OF OFFICERS DISCIPLINED BY RACE, ETHNICITY, AND SEX; AND~~

~~3. THE TYPE OF DISCIPLINE ADMINISTERED BY RACE, ETHNICITY, AND SEX.~~

(D) ON OR BEFORE OCTOBER 31 EACH YEAR, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL SUBMIT TO THE DEPARTMENT, ~~IN ELECTRONIC FORMAT~~ THE FORM OF ELECTRONIC RAW DATA, DE-IDENTIFIED AND DISAGGREGATED BY INCIDENT, INFORMATION COLLECTED IN ACCORDANCE WITH:

(1) § 3-528 OF THE PUBLIC SAFETY ARTICLE; AND

(2) § 25-113 OF THE TRANSPORTATION ARTICLE.

(E) ON OR BEFORE ~~JULY~~ AUGUST 1, 2022, THE DEPARTMENT OF JUVENILE SERVICES AND THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, THE TERMS OF WHICH SHALL INCLUDE:

(1) THE PROVISION OF VARIOUS CUSTOM REPORTS TO THE DEPARTMENT, INCLUDING INFORMATION, DE-IDENTIFIED AND DISAGGREGATED BY JUVENILE, RELATING TO THE JUVENILE'S RECORD OF:

(I) DELINQUENCY;

(II) COURT ACTIONS;

(III) SUPERVISION; AND

(IV) PLACEMENT; AND

(2) THE DEVELOPMENT OF A WORK PLAN BY THE DEPARTMENT OF JUVENILE SERVICES REGARDING EFFORTS TO INCLUDE SPECIFIC RACE AND ETHNICITY DATA FOR INDIVIDUAL JUVENILES.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.~~

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

Article – Public Safety

3–514.

(a) **(1) Each law enforcement agency shall require a police officer who was involved in a use of force incident in the line of duty to file an incident report regarding the use of force by the end of the officer’s shift unless the officer is disabled.**

(2) THE INCIDENT REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE TYPE OF ENCOUNTER;

(II) THE TYPE OF FORCE USED;

(III) THE LOCATION OF THE INCIDENT WHERE FORCE WAS USED;

(IV) WHETHER THE INDIVIDUAL AGAINST WHOM FORCE WAS USED WAS ARRESTED;

(V) WHAT CHARGES, IF ANY, FOR WHICH THE INDIVIDUAL AGAINST WHOM FORCE WAS USED WAS ARRESTED;

(VI) WHETHER THE INDIVIDUAL AGAINST WHOM FORCE WAS USED REQUESTED OR REQUIRED MEDICAL CARE;

(VII) WHETHER THE LAW ENFORCEMENT OFFICER REQUESTED OR REQUIRED MEDICAL CARE; AND

(VIII) DEMOGRAPHIC INFORMATION ABOUT ANY INDIVIDUALS AGAINST WHOM FORCE WAS USED AND ANY LAW ENFORCEMENT OFFICER INVOLVED IN THE INCIDENT, INCLUDING RACE, ETHNICITY, GENDER, AND AGE.

(b) **(1) On or before [March 1] JULY 1, 2023, AND JULY 1 each year THEREAFTER, each law enforcement agency shall submit to the Maryland Police Training and Standards Commission the [number of use of force complaints made against its police officers during] AGGREGATE DATA OF POLICE OFFICERS’ USE OF FORCE REPORTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION FOR the previous calendar**

1 year, aggregated by numbers of complaints administratively charged, not charged,
2 unfounded, and exonerated.

3 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
4 effect July 1, 2022, the effective date of Chapter 59 of the Acts of the General Assembly of
5 2021. If the effective date of Chapter 59 is amended, Section 2 of this Act shall take effect
6 on the taking effect of Chapter 59.

7 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
8 3 of this Act, this Act shall take effect July 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.