

HOUSE BILL 88

E4, P4

(PRE-FILED)

1lr1002
CF SB 74

By: **Delegates Brooks, Bagnall, Cox, C. Jackson, and R. Lewis**

Requested: October 16, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2021

CHAPTER _____

1 AN ACT concerning

2 ~~**Police Officers – Mental Health – Employee Assistance Programs**~~
3 **Maryland Police Accountability Act of 2021 – Prohibition Against Penalization**
4 **for Seeking Mental Health Services**

5 FOR the purpose of ~~requiring each law enforcement agency to develop and implement a~~
6 ~~certain program to protect the mental health of police officers; establishing certain~~
7 ~~requirements for a certain program; requiring each law enforcement agency to~~
8 ~~develop a policy to minimize certain costs to police officers; defining certain terms;~~
9 ~~prohibiting a law enforcement agency from retaliating against, penalizing, or~~
10 ~~punishing a police officer because the police officer has sought or received certain~~
11 ~~services; and generally relating to the mental health of police officers.~~

12 BY adding to

13 Article – Public Safety

14 Section 3–523

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2020 Supplement)

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

19 **Article – Public Safety**

20 **3–523.**

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.



(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

~~(2) "EMPLOYEE ASSISTANCE PROGRAM" MEANS A WORK-BASED PROGRAM OFFERED TO ALL POLICE OFFICERS THAT PROVIDES ACCESS TO VOLUNTARY AND CONFIDENTIAL SERVICES TO ADDRESS THE MENTAL HEALTH ISSUES OF A POLICE OFFICER STEMMING FROM PERSONAL AND WORK-RELATED CONCERNS, INCLUDING STRESS, FINANCIAL ISSUES, LEGAL ISSUES, FAMILY PROBLEMS, OFFICE CONFLICTS, AND ALCOHOL AND SUBSTANCE ABUSE DISORDERS.~~

~~(3)~~ (2) "LAW ENFORCEMENT AGENCY" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

~~(4)~~ (3) "POLICE OFFICER" HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.

(B) ~~EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE ACCESS TO AN EMPLOYEE ASSISTANCE PROGRAM OR A MENTAL HEALTH PROGRAM FOR ALL POLICE OFFICERS THAT THE LAW ENFORCEMENT AGENCY EMPLOYS.~~

(C) ~~THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION SHALL PROVIDE POLICE OFFICERS ACCESS TO CONFIDENTIAL MENTAL HEALTH SERVICES, INCLUDING:~~

~~(1) COUNSELING SERVICES;~~

~~(2) CRISIS COUNSELING;~~

~~(3) STRESS MANAGEMENT COUNSELING;~~

~~(4) MENTAL HEALTH EVALUATIONS; AND~~

~~(5) PEER SUPPORT SERVICES FOR POLICE OFFICERS.~~

(D) ~~IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS SUBTITLE, AS PART OF THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE TO ALL POLICE OFFICERS THE AGENCY EMPLOYS A VOLUNTARY MENTAL HEALTH CONSULTATION OR COUNSELING SERVICES BEFORE THE POLICE OFFICER RETURNS TO FULL DUTY FOLLOWING ANY INCIDENT INVOLVING:~~

~~(1) A SERIOUS INJURY TO THE POLICE OFFICER;~~

~~(2) AN OFFICER INVOLVED SHOOTING;~~

~~(3) AN ACCIDENT RESULTING IN A FATALITY; OR~~

~~(4) ANY USE OF FORCE RESULTING IN A FATALITY OR SERIOUS INJURY.~~

~~(E) THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION SHALL INCLUDE A COMPONENT DESIGNED TO PROTECT THE MENTAL HEALTH OF POLICE OFFICERS DURING PERIODS OF PUBLIC DEMONSTRATIONS AND UNREST.~~

~~(F) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP A POLICY TO PROVIDE ACCESS TO THE SERVICES REQUIRED BY THIS SECTION AT MINIMAL COST TO A POLICE OFFICER. A LAW ENFORCEMENT AGENCY MAY NOT RETALIATE AGAINST, PENALIZE, OR PUNISH A POLICE OFFICER BECAUSE THE POLICE OFFICER HAS SOUGHT OR RECEIVED MENTAL HEALTH SERVICES.~~

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.