

HOUSE BILL 188

E4

4lr0972

HB 582/23 – JUD

(PRE-FILED)

By: ~~Delegate Cardin~~ **Delegates Cardin, Kaufman, and Conaway**

Requested: October 16, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Police Accountability – Time Limit for Filing Administrative**
3 **Charges**

4 FOR the purpose of altering a requirement for a law enforcement agency to file
5 administrative charges relating to alleged police officer misconduct that is required
6 to be reviewed by an administrative charging committee within a certain period of
7 time; requiring a law enforcement agency to file any administrative charges arising
8 out of an investigation of alleged police officer misconduct that is not required to be
9 reviewed by an administrative charging committee within a certain period of time
10 ~~after the incident that led to the investigation~~; requiring an administrative charging
11 committee or law enforcement agency to file any administrative charges for alleged
12 police officer misconduct that reasonably appears to be the subject of a criminal
13 investigation within a certain period of time; and generally relating to police
14 accountability.

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 3–113
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



Article – Public Safety

3–113.

(a) The investigating unit of a law enforcement agency shall immediately review a complaint by a member of the public alleging police officer misconduct.

(b) An administrative charging committee shall review and make a determination or ask for further review within 30 days after completion of the investigating unit's review.

(c) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, FOR AN INCIDENT INVOLVING A MEMBER OF THE PUBLIC AND A POLICE OFFICER, THE process of review by the investigating unit through disposition by the administrative charging committee shall be completed within 1 year and 1 day after the ~~filing of a complaint by a citizen.~~ DATE THAT A COMPLAINT IS FILED BY A MEMBER OF THE PUBLIC OR THE DATE THAT THE APPROPRIATE OFFICIAL EMPLOYED BY THE LAW ENFORCEMENT AGENCY BECAME AWARE OF THE INCIDENT, WHICHEVER OCCURS LATER.

(D) ~~A~~ EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A LAW ENFORCEMENT AGENCY SHALL FILE ANY ADMINISTRATIVE CHARGES ARISING OUT OF AN INVESTIGATION OF ALLEGED POLICE OFFICER MISCONDUCT THAT IS NOT REQUIRED TO BE REVIEWED BY AN ADMINISTRATIVE CHARGING COMMITTEE WITHIN 1 YEAR AND 1 DAY FROM AFTER THE DATE THAT THE APPROPRIATE OFFICIAL EMPLOYED BY THE LAW ENFORCEMENT AGENCY BECAME AWARE OF THE INCIDENT THAT LED TO THE INVESTIGATION.

(E) IF ALLEGED POLICE OFFICER MISCONDUCT IS RELATED TO ACTIVITY THAT REASONABLY APPEARS TO BE THE SUBJECT OF A CRIMINAL INVESTIGATION, AN ADMINISTRATIVE CHARGING COMMITTEE OR LAW ENFORCEMENT AGENCY SHALL FILE ANY ADMINISTRATIVE CHARGES WITHIN 1 YEAR AND 1 DAY AFTER THE DATE OF:

(1) THE INVESTIGATING LAW ENFORCEMENT AGENCY'S DETERMINATION THAT THE MATTER IS NOT RELATED TO CRIMINAL ACTIVITY;

(2) THE FINAL DISPOSITION OF ALL RELATED CRIMINAL CHARGES;
OR

(3) THE ADMINISTRATIVE CHARGING COMMITTEE'S OR LAW ENFORCEMENT AGENCY'S RECEIPT OF NOTICE THAT THE APPROPRIATE PROSECUTORIAL AUTHORITY DECLINED TO FILE CRIMINAL CHARGES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.