

HOUSE BILL 302

D1, D4

5lr0812

By: **Delegate Moon**

Introduced and read first time: January 9, 2025

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2025

CHAPTER _____

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Statement of Charges – Human Service**
3 **Workers**

4 FOR the purpose of expanding certain provisions of law relating to a certain investigation
5 and recommendation by a State's Attorney concerning the filing of a statement of
6 charges against certain professionals to include certain human service workers; and
7 generally relating to statements of charges against human service workers.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–608
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2024 Supplement)
13 (As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

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

16 **Article – Courts and Judicial Proceedings**

17 2–608.

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

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.



(2) “ADULT PROTECTIVE SERVICES WORKER” MEANS A HUMAN SERVICE WORKER, AS DEFINED IN § 14–101 OF THE FAMILY LAW ARTICLE, EMPLOYED BY A PUBLIC ADULT PROTECTIVE SERVICES PROGRAM.

[(2)] (3) “Charging document” means a written accusation alleging that a defendant has committed an offense.

(4) “CHILD WELFARE CASEWORKER” MEANS A HUMAN SERVICES PROFESSIONAL WHO MEETS THE QUALIFICATIONS FOR EMPLOYMENT UNDER § 4–301 OF THE HUMAN SERVICES ARTICLE.

[(3)] (5) “Citation” means a charging document, other than an indictment, an information, or a statement of charges, issued to a defendant by a peace officer or other person authorized by law to do so.

[(4)] (6) “Educator” means a principal, vice–principal, teacher, or teacher’s aide at a public or private preschool, elementary, or secondary school.

[(5)] (7) “Emergency services personnel” means:

(i) A career firefighter of a county or municipal corporation;

(ii) An emergency medical services provider as defined in § 13–516 of the Education Article of a county or municipal corporation;

(iii) A rescue squad employee of a county or municipal corporation;
and

(iv) A volunteer firefighter, rescue squad member, or advanced life support unit member of a county or municipal corporation.

[(6)] (8) “Indictment” means a charging document returned by a grand jury and filed in circuit court.

[(7)] (9) “Information” means a charging document filed in court by a State’s Attorney.

[(8)] (10) “Law enforcement officer” means:

(i) A law enforcement officer as defined in § 1–101 of the Public Safety Article;

(ii) The Police Commissioner of Baltimore City;

(iii) An individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(iv) The police chief of a county law enforcement agency;

(v) The police chief of a municipal corporation;

(vi) The police chief or superintendent of a State law enforcement agency;

(vii) The sheriff of a county;

(viii) An officer who is on probationary status on initial entry into a law enforcement agency;

(ix) A correctional officer as defined in § 8–201 of the Correctional Services Article; or

(x) Any federal law enforcement officer who exercises the powers set forth in § 2–104 of the Criminal Procedure Article.

[(9)] (11) “Offense” means a violation of the criminal laws of the State or any political subdivision of the State.

[(10)] (12) “Statement of charges” means a charging document, other than a citation, filed in District Court by a peace officer, a District Court Judge, or a District Court Commissioner.

(b) An application filed in the District Court that requests that a statement of charges be filed against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER**, or an educator for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, **ADULT PROTECTIVE SERVICES WORKER, CHILD WELFARE CASEWORKER**, or educator shall immediately be forwarded to the State’s Attorney.

(c) (1) Upon receiving an application filed in District Court requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER**, or an educator, the State’s Attorney shall:

(i) Investigate the circumstances of the matter; and

(ii) Make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the law enforcement officer, emergency services personnel, **ADULT PROTECTIVE SERVICES WORKER, CHILD WELFARE CASEWORKER**, or the educator.

(2) If the State's Attorney recommends to a District Court Commissioner that a statement of charges be filed against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER**, or an educator, the State's Attorney shall also make a recommendation as to whether a summons or warrant should issue.

(d) Notwithstanding any other provision of the Code or the Maryland Rules, a statement of charges for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, **ADULT PROTECTIVE SERVICES WORKER, CHILD WELFARE CASEWORKER**, or the educator may not be filed against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER**, or educator until the State's Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner in accordance with subsection (c) of this section.

(e) This section may not be construed to preclude the State's Attorney from making a determination that an information should be filed against a law enforcement officer, emergency services personnel, **AN ADULT PROTECTIVE SERVICES WORKER, A CHILD WELFARE CASEWORKER**, or an educator or that a grand jury should be convened to determine whether an indictment should be filed.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.