

HOUSE BILL 238

E4

5lr1435

HB 188/24 – JUD

(PRE-FILED)

By: **Delegates Cardin and Grammer**

Requested: October 28, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the deadline for the completion of the process of review by a
5 certain investigating unit through disposition by an administrative charging
6 committee under certain circumstances; requiring a law enforcement agency to file
7 any administrative charges arising out of an investigation of alleged police officer
8 misconduct that is not required to be reviewed by an administrative charging
9 committee within a certain period of time; requiring an administrative charging
10 committee or law enforcement agency to file any administrative charges for alleged
11 police officer misconduct that reasonably appears to be the subject of a criminal
12 investigation within a certain period of time; and generally relating to police
13 accountability.

14 BY repealing and reenacting, with amendments,
15 Article – Public Safety
16 Section 3–113
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2024 Supplement)

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

21 **Article – Public Safety**

22 3–113.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 THE APPROPRIATE OFFICIAL EMPLOYED BY THE LAW ENFORCEMENT AGENCY BECAME AWARE OF THE INCIDENT.**

(D) 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 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, 2025.