

SENATE BILL 972

L2, E4

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By: **Senator Carter**

Introduced and read first time: February 3, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Community Oversight and Accountability Commission of**
3 **Baltimore City**

4 FOR the purpose of repealing provisions of law establishing and relating to the Civilian
5 Review Board of Baltimore City; providing that certain individuals may have certain
6 authority; prohibiting a law enforcement officer from having certain information
7 expunged; providing that certain information concerning a law enforcement officer
8 may be admissible in certain proceedings; establishing the Community Oversight
9 and Accountability Commission of Baltimore City; specifying the purpose of the
10 Commission; providing for the composition, chair, voting, terms, powers, duties,
11 staffing, procedures, jurisdiction, and reporting of the Commission; establishing
12 certain requirements for members of the Commission; requiring the Commission to
13 employ an Executive Director; providing for the selection and termination of the
14 Executive Director; requiring the Commission to employ an attorney; providing
15 certain duties of the attorney; requiring an individual employed by the Commission
16 to receive certain training; prohibiting a certain individual employed by the
17 Commission from having been employed by a certain law enforcement agency within
18 a certain period of time before becoming employed by the Commission; prohibiting
19 an individual employed by the Commission from also being employed by a certain
20 unit or agency; establishing certain requirements for the Commission's offices;
21 requiring the annual City budget to include a certain appropriation; establishing
22 certain requirements for a law enforcement unit; requiring and authorizing the
23 Commission to engage in certain investigations and take certain actions; providing
24 that the Commission has certain investigative authority over certain matters;
25 requiring the Commission to conduct a certain investigation and issue a certain
26 report with certain findings within a certain period of time; requiring the
27 Commission to provide certain notice to certain persons under certain circumstances;
28 requiring the Commission to make certain recommendations regarding discipline or
29 remedial action against a certain police officer; providing for the adjudication of a
30 certain complaint made by the Commission; providing for the review of a certain
31 determination; requiring a certain individual to cooperate with certain requests

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



made by the Commission under certain circumstances; providing that a certain individual is subject to discipline under certain circumstances; requiring that a certain complaint be made within a certain period of time; requiring that a certain complaint be made at certain locations; requiring certain entities to provide certain complaints to the Commission and keep certain records; requiring the Secretary of the Commission to record certain information and provide certain complaints to certain members of the Commission; requiring a certain complaint to contain certain information, if known; authorizing the Commission to conduct hearings, administer oaths and affirmations, issue certain process, and require a person to testify and produce evidence; requiring the chief of a certain law enforcement unit to provide a certain response to certain correspondence; providing for the service and enforcement of a certain subpoena; authorizing a certain person to have an attorney present under certain circumstances; requiring the Commission to advise a certain person of the right to counsel under certain circumstances; providing that a certain witness list be submitted to the Commission within a certain period of time; requiring certain oaths to be administered in certain proceedings; requiring that certain testimony be recorded; providing for certain recommendations made by the Commission to a law enforcement unit; requiring the chief of a certain law enforcement unit to provide a certain response to certain recommendations made by the Commission within a certain period of time; requiring the Commission to make certain reports and recommendations publicly available in a certain manner; requiring the Commission to redact certain information from certain reports; requiring the Commission to develop and implement a certain program to educate the public about certain information concerning the Commission; prohibiting a person from retaliating against, punishing, intimidating, discouraging, threatening, or penalizing another under certain circumstances; prohibiting a person from knowingly refusing to comply with a certain subpoena; prohibiting a person from knowingly interfering with or obstructing a certain investigation; prohibiting a person from knowingly making a certain false statement, report, or complaint under certain circumstances; establishing penalties for violations of certain provisions of this Act; prohibiting the Commission from making certain information publicly available; requiring the Commission to be the custodian of certain information; requiring a certain custodian to provide certain information under certain circumstances; requiring the Commission to make certain biannual and annual reports; providing that this Act may not be construed to abrogate certain rights of certain individuals; providing that this Act may not be construed to abrogate or change certain methods or procedures for certain individuals; providing that a certain individual may not be penalized or affected adversely in a certain manner; providing for the staggering of the terms of the initial members of the Commission; defining certain terms; and generally relating to the Community Oversight and Accountability Commission of Baltimore City.

BY repealing

The Public Local Laws of Baltimore City
Section 16–41 through 16–54 and the subheading “Civilian Review Board”
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–104 and 3–110
Annotated Code of Maryland
(2018 Replacement Volume and 2019 Supplement)

BY adding to
The Public Local Laws of Baltimore City
Section 16–41 through 16–54 to be under the new subheading “Community
Oversight and Accountability Commission”
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 16–41 through 16–54 and the subheading “Civilian Review Board” of Article
4 – Baltimore City of the Code of Public Local Laws of Maryland be repealed.

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

Article – Public Safety

3–104.

(a) The investigation or interrogation by a law enforcement agency of a law
enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal
shall be conducted in accordance with this section.

(b) **(1) [For] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR**
purposes of this section, the investigating officer or interrogating officer shall be:

[(1)] (I) a sworn law enforcement officer; or

[(2)] (II) if requested by the Governor, the Attorney General or Attorney
General’s designee.

**(2) FOR PURPOSES OF THIS SECTION, IN BALTIMORE CITY, THE
INVESTIGATING OFFICER MAY BE AN INVESTIGATOR OF THE COMMUNITY
OVERSIGHT AND ACCOUNTABILITY COMMISSION OF BALTIMORE CITY.**

(c) (1) A complaint against a law enforcement officer that alleges brutality in
the execution of the law enforcement officer’s duties may not be investigated unless the
complaint is signed and sworn to, under penalty of perjury, by:

(i) the aggrieved individual;

1 (ii) a member of the aggrieved individual's immediate family;

2 (iii) an individual with firsthand knowledge obtained because the
3 individual:

4 1. was present at and observed the alleged incident; or

5 2. has a video recording of the incident that, to the best of the
6 individual's knowledge, is unaltered; or

7 (iv) the parent or guardian of the minor child, if the alleged incident
8 involves a minor child.

9 (2) Unless a complaint is filed within 366 days after the alleged brutality,
10 an investigation that may lead to disciplinary action under this subtitle for brutality may
11 not be initiated and an action may not be taken.

12 (d) (1) The law enforcement officer under investigation shall be informed of
13 the name, rank, and command of:

14 (i) the law enforcement officer in charge of the investigation;

15 (ii) the interrogating officer; and

16 (iii) each individual present during an interrogation.

17 (2) Before an interrogation, the law enforcement officer under
18 investigation shall be informed in writing of the nature of the investigation.

19 (e) If the law enforcement officer under interrogation is under arrest, or is likely
20 to be placed under arrest as a result of the interrogation, the law enforcement officer shall
21 be informed completely of all of the law enforcement officer's rights before the interrogation
22 begins.

23 (f) Unless the seriousness of the investigation is of a degree that an immediate
24 interrogation is required, the interrogation shall be conducted at a reasonable hour,
25 preferably when the law enforcement officer is on duty.

26 (g) (1) The interrogation shall take place:

27 (i) at the office of the command of the investigating officer or at the
28 office of the local precinct or police unit in which the incident allegedly occurred, as
29 designated by the investigating officer; or

30 (ii) at another reasonable and appropriate place.

1 (2) The law enforcement officer under investigation may waive the right
2 described in paragraph (1)(i) of this subsection.

3 (h) (1) All questions directed to the law enforcement officer under
4 interrogation shall be asked by and through one interrogating officer during any one
5 session of interrogation consistent with paragraph (2) of this subsection.

6 (2) Each session of interrogation shall:

7 (i) be for a reasonable period; and

8 (ii) allow for personal necessities and rest periods as reasonably
9 necessary.

10 (i) The law enforcement officer under interrogation may not be threatened with
11 transfer, dismissal, or disciplinary action.

12 (j) (1) (i) On request, the law enforcement officer under interrogation has
13 the right to be represented by counsel or another responsible representative of the law
14 enforcement officer's choice who shall be present and available for consultation at all times
15 during the interrogation.

16 (ii) The law enforcement officer may waive the right described in
17 subparagraph (i) of this paragraph.

18 (2) (i) The interrogation shall be suspended for a period not exceeding
19 5 business days until representation is obtained.

20 (ii) Within that 5 business day period, the chief for good cause shown
21 may extend the period for obtaining representation.

22 (3) During the interrogation, the law enforcement officer's counsel or
23 representative may:

24 (i) request a recess at any time to consult with the law enforcement
25 officer;

26 (ii) object to any question posed; and

27 (iii) state on the record outside the presence of the law enforcement
28 officer the reason for the objection.

29 (k) (1) A complete record shall be kept of the entire interrogation, including all
30 recess periods, of the law enforcement officer.

31 (2) The record may be written, taped, or transcribed.

(3) On completion of the investigation, and on request of the law enforcement officer under investigation or the law enforcement officer's counsel or representative, a copy of the record of the interrogation shall be made available at least 10 days before a hearing.

(l) (1) The law enforcement agency may order the law enforcement officer under investigation to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject matter of the investigation.

(2) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection and the law enforcement officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal.

(3) If the law enforcement agency orders the law enforcement officer to submit to a test, examination, or interrogation described in paragraph (1) of this subsection, the results of the test, examination, or interrogation are not admissible or discoverable in a criminal proceeding against the law enforcement officer.

(m) (1) If the law enforcement agency orders the law enforcement officer to submit to a polygraph examination, the results of the polygraph examination may not be used as evidence in an administrative hearing unless the law enforcement agency and the law enforcement officer agree to the admission of the results.

(2) The law enforcement officer's counsel or representative need not be present during the actual administration of a polygraph examination by a certified polygraph examiner if:

(i) the questions to be asked are reviewed with the law enforcement officer or the counsel or representative before the administration of the examination;

(ii) the counsel or representative is allowed to observe the administration of the examination; and

(iii) a copy of the final report of the examination by the certified polygraph examiner is made available to the law enforcement officer or the counsel or representative within a reasonable time, not exceeding 10 days, after completion of the examination.

(n) (1) On completion of an investigation and at least 10 days before a hearing, the law enforcement officer under investigation shall be:

(i) notified of the name of each witness and of each charge and specification against the law enforcement officer; and

(ii) provided with a copy of the investigatory file and any exculpatory

1 information, if the law enforcement officer and the law enforcement officer's representative
2 agree to:

3 1. execute a confidentiality agreement with the law
4 enforcement agency not to disclose any material contained in the investigatory file and
5 exculpatory information for any purpose other than to defend the law enforcement officer;
6 and

7 2. pay a reasonable charge for the cost of reproducing the
8 material.

9 (2) The law enforcement agency may exclude from the exculpatory
10 information provided to a law enforcement officer under this subsection:

11 (i) the identity of confidential sources;

12 (ii) nonexculpatory information; and

13 (iii) recommendations as to charges, disposition, or punishment.

14 (o) (1) The law enforcement agency may not insert adverse material into a file
15 of the law enforcement officer, except the file of the internal investigation or the intelligence
16 division, unless the law enforcement officer has an opportunity to review, sign, receive a
17 copy of, and comment in writing on the adverse material.

18 (2) The law enforcement officer may waive the right described in
19 paragraph (1) of this subsection.

20 3-110.

21 (a) [On written request, a] **A** law enforcement officer may **NOT** have [expunged
22 from any file the] **ANY** record of a formal complaint made against the law enforcement
23 officer [if:

24 (1) (i) the law enforcement agency that investigated the complaint:

25 1. exonerated the law enforcement officer of all charges in
26 the complaint; or

27 2. determined that the charges were unsustained or
28 unfounded; or

29 (ii) a hearing board acquitted the law enforcement officer, dismissed
30 the action, or made a finding of not guilty; and

31 (2) at least 3 years have passed since the final disposition by the law
32 enforcement agency or hearing board] **EXPUNGED**.

(b) Evidence of a formal complaint against a law enforcement officer [is not] **MAY BE** admissible in an administrative or judicial proceeding [if the complaint resulted in an outcome listed in subsection (a)(1) of this section].

Article 4 – Baltimore City

COMMUNITY OVERSIGHT AND ACCOUNTABILITY COMMISSION

16–41.

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

(B) “ABUSIVE LANGUAGE” MEANS THE USE OF REMARKS, WRITTEN OR ORAL, THAT ARE:

(1) OVERTLY INSULTING, MOCKING, OR BELITTling; AND

(2) DIRECTED AT A PERSON AND MADE BASED ON THE PERSON’S ACTUAL OR PERCEIVED RACE, IMMIGRATION STATUS, COLOR, SEX, GENDER, GENDER IDENTITY, AGE, RELIGION, ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION, DISABILITY, MARITAL STATUS, PARENTAL STATUS, MILITARY DISCHARGE STATUS, OR EMPLOYMENT STATUS.

(C) (1) “CHIEF” MEANS THE HEAD OF A LAW ENFORCEMENT UNIT.

(2) “CHIEF” INCLUDES AN OFFICER OR EMPLOYEE DESIGNATED BY THE HEAD OF A LAW ENFORCEMENT AGENCY.

(D) “COERCION” MEANS THE USE OF IMPROPER OR UNLAWFUL FORCE OR THREATS, WHETHER EXPRESS OR IMPLIED, FOR THE PURPOSE OF CAUSING A PERSON TO ACT AGAINST THE PERSON’S WILL.

(E) “COMMISSION” MEANS THE COMMUNITY OVERSIGHT AND ACCOUNTABILITY COMMISSION OF BALTIMORE CITY.

(F) “ELECTRONIC CONTROL DEVICE” MEANS A PORTABLE DEVICE DESIGNED AS A WEAPON CAPABLE OF INJURING, IMMOBILIZING, OR INFLECTING PAIN ON AN INDIVIDUAL BY THE DISCHARGE OF ELECTRICAL CURRENT.

(G) “EXCESSIVE FORCE” MEANS THE USE OF GREATER PHYSICAL FORCE THAN APPEARS REASONABLY NECESSARY, UNDER ALL CIRCUMSTANCES, TO EFFECT A LAWFUL PURPOSE.

1 (H) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE
2 COMMISSION.

3 (I) “FALSE ARREST” MEANS AN ARREST MADE WITHOUT LEGAL
4 JUSTIFICATION.

5 (J) “FALSE IMPRISONMENT” MEANS AN INTENTIONAL RESTRICTION, MADE
6 WITHOUT LEGAL JUSTIFICATION, ON THE FREEDOM OF MOVEMENT OF A PERSON
7 WHO IS AWARE OF THE RESTRICTION AND DOES NOT CONSENT TO THE RESTRICTION.

8 (K) “FINAL SUMMARY REPORT” MEANS A REPORT BY THE COMMISSION
9 SUMMARIZING AN INVESTIGATION RELATING TO AN INCIDENT OF ALLEGED
10 MISCONDUCT OF A POLICE OFFICER OR OTHER MATTER SUBJECT TO THE
11 COMMISSION’S REVIEW UNDER THIS SUBTITLE.

12 (L) “HARASSMENT” MEANS:

13 (1) REPEATED OR UNWARRANTED CONDUCT THAT IS INTENDED TO
14 BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING; OR

15 (2) ANY CONDUCT THAT IS INTENDED TO CAUSE UNNECESSARY
16 PHYSICAL DISCOMFORT OR INJURY.

17 (M) “LAW ENFORCEMENT UNIT” MEANS:

18 (1) THE POLICE DEPARTMENT OF BALTIMORE CITY;

19 (2) THE BALTIMORE CITY SCHOOL POLICE;

20 (3) THE BALTIMORE CITY SHERIFF’S OFFICE;

21 (4) THE BALTIMORE ENVIRONMENTAL POLICE;

22 (5) THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY
23 COLLEGE;

24 (6) THE POLICE FORCE OF MORGAN STATE UNIVERSITY; OR

25 (7) THE POLICE DEPARTMENT ESTABLISHED BY THE JOHNS HOPKINS
26 UNIVERSITY.

27 (N) “OFFICER–INVOLVED DEATH” MEANS AN INCIDENT IN WHICH A POLICE

1 OFFICER IS INVOLVED IN THE DEATH OF A PERSON.

2 (O) "POLICE OFFICER" MEANS:

3 (1) A MEMBER OF A LAW ENFORCEMENT UNIT WHO IS AUTHORIZED TO
4 MAKE ARRESTS; OR

5 (2) A MEMBER OF A LAW ENFORCEMENT UNIT WHO IS AUTHORIZED TO
6 MAKE ARRESTS IN BALTIMORE CITY, WHILE ON DUTY OR WHILE THE OFFICER IS OFF
7 DUTY BUT PERFORMING ACTIVITIES THAT ARE WITHIN THE SCOPE OF THE
8 OFFICER'S OFFICIAL DUTIES.

9 16-42.

10 (A) THE COMMUNITY OVERSIGHT AND ACCOUNTABILITY COMMISSION OF
11 BALTIMORE CITY IS ESTABLISHED AS A PERMANENT, STATUTORY AGENCY IN
12 BALTIMORE CITY TO:

13 (1) CONDUCT INVESTIGATIONS INTO INCIDENTS OF ALLEGED POLICE
14 MISCONDUCT THAT OCCUR IN BALTIMORE CITY IN A FAIR AND TIMELY MANNER;

15 (2) IDENTIFY AND ADDRESS PATTERNS OF POLICE MISCONDUCT; AND

16 (3) MAKE RECOMMENDATIONS FOR IMPROVING THE POLICIES AND
17 OPERATIONS OF LAW ENFORCEMENT UNITS TO REDUCE INCIDENTS OF POLICE
18 MISCONDUCT.

19 (B) (1) THE COMMISSION IS COMPOSED OF:

20 (I) ONE MEMBER OF THE PUBLIC FROM EACH OF THE
21 FOURTEEN COUNCILMANIC DISTRICTS IN BALTIMORE CITY, SELECTED BY THE
22 MEMBER OF THE BALTIMORE CITY COUNCIL THAT REPRESENTS THE
23 COUNCILMANIC DISTRICT OF THE MEMBER AND CONFIRMED BY THE MAYOR;

24 (II) ONE MEMBER OF THE PUBLIC FROM ANY OF THE FOURTEEN
25 COUNCILMANIC DISTRICTS, SELECTED BY THE PRESIDENT OF THE BALTIMORE
26 CITY COUNCIL AND CONFIRMED BY THE MAYOR;

27 (III) ONE REPRESENTATIVE OF CASA DE MARYLAND, INC.;

28 (IV) ONE REPRESENTATIVE OF THE BALTIMORE CITY LESBIAN,
29 GAY, BISEXUAL, TRANSGENDER, AND QUEER COMMISSION;

1 (V) ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND
2 BALTIMORE REBUILD, OVERCOME, AND RISE CENTER;

3 (VI) ONE REPRESENTATIVE OF THE BALTIMORE CHILDREN AND
4 YOUTH FUND;

5 (VII) ONE REPRESENTATIVE OF COMMUNITY LAW IN ACTION,
6 INC.;

7 (VIII) ONE REPRESENTATIVE OF THE FRATERNAL ORDER OF
8 POLICE;

9 (IX) ONE REPRESENTATIVE OF THE VANGUARD JUSTICE
10 SOCIETY;

11 (X) THE CHIEF OF EACH LAW ENFORCEMENT UNIT OR THE
12 CHIEF'S DESIGNEE;

13 (XI) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES
14 UNION OF MARYLAND; AND

15 (XII) ONE REPRESENTATIVE OF THE BALTIMORE CITY BRANCH
16 OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.

17 (2) A MEMBER OF THE COMMISSION APPOINTED UNDER PARAGRAPH
18 (1)(I) AND (II) OF THIS SUBSECTION:

19 (I) IS A VOTING MEMBER OF THE COMMISSION; AND

20 (II) MAY NOT BE A CURRENT EMPLOYEE OF A MUNICIPAL,
21 COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY.

22 (3) EACH VOTING MEMBER OF THE COMMISSION SHALL BE A
23 RESIDENT OF BALTIMORE CITY.

24 (C) AT THE COMMISSION'S FIRST MEETING EACH YEAR, THE COMMISSION
25 SHALL ELECT A CHAIR AND A SECRETARY.

26 (D) (1) THE COMMISSION SHALL MEET AS OFTEN AS NECESSARY TO
27 PERFORM ITS FUNCTIONS AND DUTIES BUT SHALL MEET AT LEAST ONCE EACH
28 MONTH.

29 (2) THE COMMISSION SHALL ATTEMPT TO DIVERSIFY THE

1 LOCATIONS OF ITS MEETINGS TO THE EXTENT POSSIBLE AND, AT THE VERY LEAST,
2 SHALL HOLD ONE MEETING PER CALENDAR YEAR IN EACH OF THE NINE POLICE
3 DISTRICTS IN BALTIMORE CITY.

4 (E) (1) A MAJORITY OF THE VOTING MEMBERS OF THE COMMISSION
5 SERVING AT ANY ONE TIME CONSTITUTES A QUORUM.

6 (2) THE COMMISSION MAY ACT BY MAJORITY VOTE OF THE
7 COMMISSION'S MEMBERS WHO ARE PRESENT AND VOTING AT A MEETING ATTENDED
8 BY A QUORUM.

9 (F) (1) THE TERM OF A MEMBER OF THE COMMISSION APPOINTED
10 UNDER SUBSECTION (B)(1)(I) AND (II) OF THIS SECTION IS 3 YEARS.

11 (2) THE TERMS OF THE MEMBERS OF THE COMMISSION APPOINTED
12 UNDER SUBSECTION (B)(1)(I) AND (II) OF THIS SECTION ARE STAGGERED AS
13 REQUIRED BY THE TERMS PROVIDED FOR THE PUBLIC MEMBERS OF THE
14 COMMISSION ON OCTOBER 1, 2020.

15 (3) A MEMBER OF THE COMMISSION APPOINTED UNDER SUBSECTION
16 (B)(1)(I) AND (II) OF THIS SECTION MAY NOT SERVE ON THE COMMISSION FOR MORE
17 THAN TWO FULL SUCCESSIVE TERMS.

18 (4) AT THE END OF A TERM, A MEMBER OF THE COMMISSION
19 APPOINTED UNDER SUBSECTION (B)(1)(I) AND (II) OF THIS SECTION SHALL
20 CONTINUE TO SERVE ON THE COMMISSION UNTIL A SUCCESSOR IS APPOINTED AND
21 QUALIFIES.

22 (5) A MEMBER OF THE COMMISSION APPOINTED UNDER SUBSECTION
23 (B)(1)(I) AND (II) OF THIS SECTION AFTER A TERM HAS BEGUN SHALL SERVE ONLY
24 FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
25 QUALIFIES.

26 (6) A MEMBER OF THE COMMISSION WHO IS APPOINTED UNDER
27 SUBSECTION (B)(1)(III) THROUGH (XII) OF THIS SECTION SHALL SERVE IN A
28 NONVOTING ADVISORY CAPACITY.

29 (G) (1) THE COMMISSION SHALL EMPLOY AN EXECUTIVE DIRECTOR AND
30 STAFF SUFFICIENT TO CARRY OUT THE PURPOSES OF THIS SUBHEADING.

31 (2) THE EXECUTIVE DIRECTOR SHALL BE HIRED BY THE
32 COMMISSION.

1 **(3) (I) THE EXECUTIVE DIRECTOR MAY BE TERMINATED FROM**
2 **EMPLOYMENT WITH THE COMMISSION ONLY IN THE MANNER PROVIDED IN THIS**
3 **PARAGRAPH.**

4 **(II) AN INDIVIDUAL EMPLOYED AS THE EXECUTIVE DIRECTOR**
5 **MAY BE TERMINATED FROM EMPLOYMENT ONLY BY THE VOTING MEMBERS OF THE**
6 **COMMISSION.**

7 **(III) THE VOTING MEMBERS OF THE COMMISSION MAY**
8 **TERMINATE THE EMPLOYMENT OF THE EXECUTIVE DIRECTOR ONLY FOR CAUSE.**

9 **(IV) AN AFFIRMATIVE VOTE OF AT LEAST TWELVE OF THE**
10 **FIFTEEN VOTING MEMBERS OF THE COMMISSION IS REQUIRED TO TERMINATE THE**
11 **EMPLOYMENT OF THE EXECUTIVE DIRECTOR.**

12 **(H) THE COMMISSION HAS THE FOLLOWING GENERAL POWERS:**

13 **(1) TO SUE AND BE SUED IN ITS OWN NAME;**

14 **(2) TO ENTER INTO CONTRACTS GENERALLY AND TO EXECUTE ALL**
15 **INSTRUMENTS NECESSARY OR APPROPRIATE TO CARRY OUT ITS PURPOSES AND**
16 **POWERS;**

17 **(3) TO HIRE AND SET WAGES FOR EMPLOYEES TO STAFF THE**
18 **COMMISSION;**

19 **(4) TO ADOPT AND CARRY OUT PROCEDURES FOR THE DISCIPLINE OF**
20 **THE COMMISSION'S EMPLOYEES; AND**

21 **(5) TO ADOPT REASONABLE AND PROPER REGULATIONS TO CARRY**
22 **OUT ITS PURPOSES AND GOVERN ITS PROCEDURES UNDER THIS SUBHEADING.**

23 **(I) THE JURISDICTION OF THE COMMISSION SHALL EXTEND TO**
24 **MISCONDUCT INVOLVING ABUSIVE LANGUAGE, FALSE ARREST, FALSE**
25 **IMPRISONMENT, HARASSMENT, USE OF EXCESSIVE FORCE, COERCION, IMPROPER**
26 **SEARCH AND SEIZURE, UNLAWFUL DENIAL OF ACCESS TO COUNSEL, AND PATTERNS**
27 **AND PRACTICES OF MISCONDUCT.**

28 **(J) THE COMMISSION SHALL EMPLOY AN ATTORNEY TO:**

29 **(1) ADVISE AND REPRESENT THE COMMISSION IN INVESTIGATIONS;**

30 **(2) ENFORCE AND DEFEND AGAINST SUBPOENAS; AND**

1 (3) FORMULATE THE RULES AND PROCEDURES FOR THE
2 ADMINISTRATION OF THE COMMISSION.

3 (K) (1) EACH INDIVIDUAL EMPLOYED BY THE COMMISSION SHALL
4 RECEIVE TRAINING ON ISSUES WITHIN THE COMMISSION'S JURISDICTION.

5 (2) AN INDIVIDUAL EMPLOYED BY THE COMMISSION TO CONDUCT
6 INVESTIGATIONS UNDER THIS SUBHEADING MAY NOT HAVE BEEN EMPLOYED BY A
7 MUNICIPAL, COUNTY, STATE, OR FEDERAL LAW ENFORCEMENT AGENCY WITHIN 5
8 YEARS BEFORE BECOMING EMPLOYED BY THE COMMISSION.

9 (3) AN INDIVIDUAL EMPLOYED BY THE COMMISSION MAY NOT
10 SIMULTANEOUSLY BE EMPLOYED BY ANY OTHER GOVERNMENTAL UNIT OR AGENCY.

11 (L) THE COMMISSION'S OFFICES MAY NOT BE LOCATED IN THE SAME
12 BUILDING OR STRUCTURE AS THE OFFICES OR FACILITIES OF A LAW ENFORCEMENT
13 UNIT OR THE OFFICES OF A UNIT OF BALTIMORE CITY GOVERNMENT.

14 (M) THE ANNUAL CITY BUDGET SHALL INCLUDE AN APPROPRIATION FOR
15 FUNDING FOR THE COMMISSION THAT IS NOT LESS THAN 2.5% OF THE
16 APPROPRIATION INCLUDED IN THE BUDGET FOR THE BALTIMORE CITY POLICE
17 DEPARTMENT.

18 16-43.

19 A LAW ENFORCEMENT UNIT SHALL:

20 (1) PLACE AND MAINTAIN POSTERS IN ALL LAW ENFORCEMENT UNIT
21 STATIONS AND ELSEWHERE THROUGHOUT THE CITY TO EXPLAIN THE PROCEDURE
22 FOR FILING A COMPLAINT WITH THE COMMISSION; AND

23 (2) EXPLAIN THE COMMISSION'S COMPLAINT PROCEDURES TO ALL
24 POLICE OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE MANUAL OF RULES
25 AND PROCEDURES OF THE LAW ENFORCEMENT UNIT AND INCORPORATED IN THE
26 TRAINING PROGRAM FOR NEW POLICE OFFICERS.

27 16-44.

28 (A) THE COMMISSION SHALL:

29 (1) RECEIVE, REGISTER, AND REVIEW ALL COMPLAINTS WITHIN ITS
30 JURISDICTION MADE AGAINST POLICE OFFICERS;

1 **(2) CONDUCT INVESTIGATIONS RELATING TO ANY INCIDENT WITHIN**
2 **ITS JURISDICTION;**

3 **(3) PROVIDE A COPY OF ANY COMPLAINT MADE AGAINST A POLICE**
4 **OFFICER TO THE LAW ENFORCEMENT UNIT THAT EMPLOYS THE POLICE OFFICER;**

5 **(4) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW**
6 **ENFORCEMENT UNIT RELATING TO ANY DISCIPLINARY OR OTHER REMEDIAL ACTION**
7 **AGAINST A POLICE OFFICER EMPLOYED BY THE LAW ENFORCEMENT UNIT WHOM**
8 **THE COMMISSION FINDS TO HAVE COMMITTED MISCONDUCT WITHIN ITS**
9 **JURISDICTION;**

10 **(5) MAKE RECOMMENDATIONS TO THE CHIEF OF A LAW**
11 **ENFORCEMENT UNIT RELATING TO THE LAW ENFORCEMENT UNIT'S POLICIES,**
12 **PRACTICES, PROGRAMS, AND TRAINING TO ELIMINATE MISCONDUCT; AND**

13 **(6) ADDRESS AND ENGAGE WITH THE PERSONNEL OF A LAW**
14 **ENFORCEMENT UNIT AND MEMBERS OF THE COMMUNITY TO PROVIDE**
15 **INFORMATION REGARDING THE COMMISSION'S MISSION, POLICIES, AND ONGOING**
16 **OPERATIONS.**

17 **(B) THE COMMISSION MAY:**

18 **(1) SUBJECT TO LIMITATIONS UNDER STATE AND FEDERAL LAW,**
19 **ACCESS ANY INFORMATION OR DOCUMENTS IN THE POSSESSION OR UNDER THE**
20 **CONTROL OF A LAW ENFORCEMENT UNIT OR A UNIT OF BALTIMORE CITY**
21 **GOVERNMENT RELATING TO A MATTER WITHIN THE COMMISSION'S JURISDICTION**
22 **OR MANDATE, WITHIN 14 DAYS OF NOTICE OF AN INVESTIGATION OR COMPLAINT BY**
23 **THE COMMISSION;**

24 **(2) CONDUCT AN INVESTIGATION INTO ANY MATTER WITHIN ITS**
25 **JURISDICTION CONCURRENT TO ANY ACTIVE CRIMINAL INVESTIGATION OR**
26 **PROCEEDING RELATING TO THE MATTER UNDER INVESTIGATION BY THE**
27 **COMMISSION; AND**

28 **(3) REFER THE RESULTS OR INFORMATION FROM ANY**
29 **INVESTIGATION CONDUCTED UNDER THIS SUBHEADING TO AN APPROPRIATE LAW**
30 **ENFORCEMENT OR PROSECUTORIAL AGENCY FOR REVIEW AND PROSECUTION.**

31 **(C) THE COMMISSION MAY INVESTIGATE, SIMULTANEOUSLY WITH THE**
32 **INTERNAL INVESTIGATIVE DIVISION, EACH COMPLAINT IT DETERMINES**
33 **APPROPRIATE AND REPORT ITS FINDINGS TO THE INTERNAL INVESTIGATIVE**

DIVISION.

(D) (1) WITHIN 30 DAYS AFTER COMPLETING AN INVESTIGATION OF ALLEGED MISCONDUCT OF A POLICE OFFICER, THE COMMISSION SHALL ISSUE A FINAL SUMMARY REPORT DETERMINING WHETHER THE COMPLAINT MADE AGAINST A POLICE OFFICER:

(I) IS SUSTAINED;

(II) IS NOT SUSTAINED; OR

(III) IS UNFOUNDED.

(2) IF THE COMMISSION SUSTAINS A COMPLAINT OF MISCONDUCT OF A POLICE OFFICER, THE COMMISSION SHALL INCLUDE IN THE FINAL SUMMARY REPORT THE FACTUAL BASIS AND REASONS FOR SUSTAINING THE COMPLAINT AND MAKE RECOMMENDATIONS FOR DISCIPLINARY OR REMEDIAL ACTION AGAINST THE POLICE OFFICER, UP TO AND INCLUDING TERMINATION.

(3) REGARDLESS OF THE COMMISSION'S FINDING UNDER THIS SUBSECTION, THE COMMISSION SHALL SEND A COPY OF THE FINAL SUMMARY REPORT TO:

(I) THE PERSON WHO MADE THE COMPLAINT;

(II) THE INTERNAL INVESTIGATIVE DIVISION; AND

(III) THE CHIEF OF THE LAW ENFORCEMENT UNIT THAT EMPLOYS THE POLICE OFFICER.

(E) (1) EXCEPT AS OTHERWISE PROVIDED, A POLICE OFFICER, AN EMPLOYEE OF A LAW ENFORCEMENT UNIT, A PUBLIC OFFICIAL, OR A GOVERNMENT EMPLOYEE SHALL COOPERATE WITH REQUESTS MADE BY THE COMMISSION IN RELATION TO AN INVESTIGATION CONDUCTED UNDER THIS SUBHEADING.

(2) AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS SUBJECT TO THE DISCIPLINE PROCEDURES OF THE DEPARTMENT, AGENCY, OR OTHER BODY RESPONSIBLE FOR IMPOSING DISCIPLINARY ACTION AGAINST THE INDIVIDUAL UP TO AND INCLUDING TERMINATION FOR FAILURE TO COOPERATE WITH REQUESTS MADE BY THE COMMISSION IN RELATION TO AN INVESTIGATION CONDUCTED UNDER THIS SUBHEADING.

1 **(A) A COMPLAINT SHALL BE MADE WITHIN 366 DAYS AFTER THE ALLEGED**
2 **MISCONDUCT OF A POLICE OFFICER.**

3 **(B) A PERSON MAY FILE A COMPLAINT ALLEGING MISCONDUCT OF A POLICE**
4 **OFFICER AT:**

5 **(1) THE COMMISSION;**

6 **(2) THE OFFICE OF THE INTERNAL INVESTIGATIVE DIVISION;**

7 **(3) THE LEGAL AID BUREAU, INC.;**

8 **(4) THE MARYLAND HUMAN RELATIONS COMMISSION;**

9 **(5) THE BALTIMORE COMMUNITY RELATIONS COMMISSION;**

10 **(6) ANY OF THE POLICE STATIONS IN BALTIMORE CITY;**

11 **(7) THE OFFICE OF THE MARYLAND ATTORNEY GENERAL;**

12 **(8) THE OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY;**

13 **OR**

14 **(9) THE MARYLAND OFFICE OF THE PUBLIC DEFENDER FOR**
15 **BALTIMORE CITY.**

16 **(C) ENTITIES IN SUBSECTION (B)(2), (3), OR (4) OF THIS SECTION THAT**
17 **RECEIVE A COMPLAINT SHALL RETAIN A COPY OF THE COMPLAINT AND FORWARD**
18 **THE COMPLAINT TO THE COMMISSION WITHIN 48 HOURS OF RECEIPT.**

19 **(D) THE SECRETARY OF THE COMMISSION SHALL:**

20 **(1) ASSIGN A CONSECUTIVE NUMBER TO EACH COMPLAINT;**

21 **(2) SEND A COPY OF EACH COMPLAINT TO EACH MEMBER OF THE**
22 **COMMISSION WITHIN 48 HOURS; AND**

23 **(3) MAINTAIN A RECORD OF EACH COMPLAINT.**

24 **(E) THE COMPLAINT SHALL INCLUDE:**

25 **(1) THE NAME OF THE COMPLAINANT, UNLESS THE COMPLAINANT**

1 REQUESTS TO REMAIN ANONYMOUS;

2 (2) IF KNOWN, THE NAME OF THE POLICE OFFICER ALLEGEDLY
3 INVOLVED;

4 (3) IF KNOWN, THE DATE, TIME, AND PLACE OF THE ALLEGED
5 MISCONDUCT;

6 (4) IF KNOWN, THE CIRCUMSTANCES OF THE ALLEGED MISCONDUCT;
7 AND

8 (5) AN EXPLANATION OF THE ALLEGED MISCONDUCT.

9 (F) THE PROCEDURES DEVELOPED UNDER SUBSECTION (B) OF THIS
10 SECTION SHALL ALLOW FOR:

11 (1) ANONYMOUS COMPLAINTS; AND

12 (2) COMPLAINTS TO BE RECEIVED USING A VARIETY OF
13 COMMUNICATION METHODS, INCLUDING IN PERSON, BY MAIL, BY TELEPHONE, AND
14 BY INTERNET.

15 16–46.

16 (A) THE COMMISSION MAY:

17 (1) CONDUCT HEARINGS;

18 (2) ADMINISTER OATHS AND AFFIRMATIONS;

19 (3) ISSUE PROCESS TO COMPEL THE ATTENDANCE OF WITNESSES AND
20 THE PRODUCTION OF EVIDENCE; AND

21 (4) REQUIRE A PERSON TO TESTIFY AND PRODUCE EVIDENCE.

22 (B) THE CHIEF OF A LAW ENFORCEMENT UNIT SHALL RESPOND TO
23 CORRESPONDENCE RECEIVED FROM THE COMMISSION WITHIN 14 DAYS.

24 (C) (1) A SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE
25 ISSUED BY A CIRCUIT COURT.

26 (2) A SUBPOENA FROM THE COMMISSION SHALL BE SIGNED BY THE
27 ATTORNEY FOR THE COMMISSION.

1 **(3) THE COMMISSION SHALL ADVISE A PERSON OF THE RIGHT TO**
2 **COUNSEL WHEN A SUBPOENA IS SERVED.**

3 **(4) THE COMMISSION IMMEDIATELY MAY REPORT THE FAILURE OF A**
4 **PERSON TO OBEY A LAWFULLY SERVED SUBPOENA TO THE CIRCUIT COURT OF**
5 **BALTIMORE CITY.**

6 **(5) THE COMMISSION SHALL PROVIDE A COPY OF THE SUBPOENA**
7 **AND PROOF OF SERVICE TO THE CIRCUIT COURT.**

8 **(6) AFTER CONDUCTING A HEARING AT WHICH THE PERSON WHO**
9 **ALLEGEDLY FAILED TO COMPLY WITH A SUBPOENA HAS AN OPPORTUNITY TO BE**
10 **HEARD AND REPRESENTED BY COUNSEL, THE COURT MAY GRANT APPROPRIATE**
11 **RELIEF.**

12 **(D) (1) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY**
13 **CONTACT WITH THE COMMISSION.**

14 **(2) A POLICE OFFICER MAY SUBMIT A WITNESS LIST TO THE**
15 **COMMISSION 10 OR MORE DAYS BEFORE THE COMMISSION HOLDS A HEARING.**

16 **(3) THE SECRETARY OR THE DESIGNEE OF THE SECRETARY SHALL**
17 **ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDINGS BEFORE THE**
18 **COMMISSION.**

19 **(4) THE POLICE OFFICER OR THE POLICE OFFICER'S**
20 **REPRESENTATIVE SHALL HAVE THE RIGHT TO QUESTION WITNESSES WHO TESTIFY**
21 **ABOUT THE COMPLAINT.**

22 **(5) ALL WITNESS TESTIMONY SHALL BE RECORDED.**

23 **16-47.**

24 **(A) IF THE COMMISSION ISSUES A RECOMMENDATION TO A LAW**
25 **ENFORCEMENT UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE LAW**
26 **ENFORCEMENT UNIT, THE CHIEF OF THE LAW ENFORCEMENT UNIT SHALL RESPOND**
27 **TO THE COMMISSION'S RECOMMENDATION WITHIN 60 DAYS AFTER RECEIVING THE**
28 **RECOMMENDATION.**

29 **(B) (1) THE RESPONSE ISSUED BY THE CHIEF OF A LAW ENFORCEMENT**
30 **UNIT SHALL INCLUDE A DESCRIPTION OF ANY ACTION THE CHIEF HAS TAKEN OR IS**
31 **PLANNING TO TAKE WITH RESPECT TO THE RECOMMENDATIONS MADE BY THE**

COMMISSION AND STATE WHETHER THE CHIEF PLANS TO IMPLEMENT THE RECOMMENDATIONS.

(2) IF THE CHIEF STATES THAT THE CHIEF DOES NOT PLAN TO IMPLEMENT A RECOMMENDATION FROM THE COMMISSION, THE CHIEF SHALL EXPLAIN THE REASON FOR NOT IMPLEMENTING THE RECOMMENDATION.

16-48.

(A) (1) THE COMMISSION SHALL MAKE ALL FINAL SUMMARY REPORTS PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE COMMISSION.

(2) THE COMMISSION SHALL REDACT INFORMATION FROM A FINAL SUMMARY REPORT TO THE EXTENT REQUIRED BY STATE LAW BEFORE THE REPORT IS MADE AVAILABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE COMMISSION SHALL MAKE ALL RECOMMENDATIONS MADE TO A LAW ENFORCEMENT UNIT REGARDING A POLICY, PROGRAM, OR PRACTICE OF THE LAW ENFORCEMENT UNIT PUBLICLY AVAILABLE ON A WEBSITE MAINTAINED BY THE COMMISSION.

(C) THE COMMISSION SHALL DEVELOP AND IMPLEMENT A PUBLIC EDUCATION AND INFORMATION PROGRAM TO INFORM THE PUBLIC ABOUT MATTERS WITHIN THE JURISDICTION OF THE COMMISSION.

16-49.

(A) A PERSON MAY NOT:

(1) RETALIATE AGAINST, PUNISH, INTIMIDATE, DISCOURAGE, THREATEN, OR PENALIZE ANOTHER FOR:

(I) MAKING A COMPLAINT TO THE COMMISSION;

(II) PROVIDING TESTIMONY, INFORMATION, OR DOCUMENTS TO THE COMMISSION; OR

(III) COOPERATING WITH OR ASSISTING THE COMMISSION;

(2) KNOWINGLY REFUSE TO COMPLY WITH A SUBPOENA ISSUED BY THE COMMISSION;

(3) KNOWINGLY INTERFERE WITH OR OBSTRUCT AN INVESTIGATION

1 CONDUCTED BY THE COMMISSION; OR

2 (4) KNOWINGLY MAKE A FALSE STATEMENT, REPORT, OR COMPLAINT
3 TO THE COMMISSION OR A REPRESENTATIVE OF THE COMMISSION.

4 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
5 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR
6 A FINE NOT EXCEEDING \$500 OR BOTH.

7 16-50.

8 (A) THE COMMISSION MAY NOT MAKE INVESTIGATIVE RECORDS OR
9 REPORTS CONTAINING THE NAMES OR PERSONALLY IDENTIFYING INFORMATION OF
10 COMPLAINANTS, INVESTIGATORS, OR WITNESSES PUBLICLY AVAILABLE.

11 (B) THE COMMISSION SHALL BE THE CUSTODIAN OF ALL RECORDS OF
12 INVESTIGATIONS, INCLUDING NOTES, LETTERS, MEMORANDA, FORMS, AND AUDIO
13 AND VIDEO RECORDINGS RESULTING FROM A COMPLAINT AND PROCEEDINGS
14 BEFORE THE COMMISSION.

15 (C) NOTWITHSTANDING § 4-311(A) OF THE GENERAL PROVISIONS
16 ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE COMMUNITY OVERSIGHT
17 AND ACCOUNTABILITY COMMISSION OF BALTIMORE CITY MAY REVIEW ALL
18 DISCIPLINARY RECORDS AND COMPLAINTS MADE AGAINST A POLICE OFFICER IF A
19 FINAL SUMMARY REPORT OF THE COMMISSION DETERMINES THAT A COMPLAINT
20 MADE AGAINST A POLICE OFFICER IS SUSTAINED.

21 16-51.

22 (A) THE COMMISSION SHALL PREPARE AND PUBLISH ON ITS WEBSITE:

23 (1) A BIENNIAL STATISTICAL REPORT REGARDING THE COMPLAINTS
24 PROCESSED UNDER THIS SUBHEADING; AND

25 (2) AN ANNUAL STATISTICAL REPORT REGARDING THE COMPLAINTS
26 PROCESSED UNDER THIS SUBHEADING.

27 (B) THE COMMISSION SHALL PREPARE AND SUBMIT TO THE BALTIMORE
28 CITY COUNCIL, THE MAYOR, AND THE CHIEF OF EACH LAW ENFORCEMENT UNIT:

29 (1) A BIENNIAL STATISTICAL REPORT REGARDING THE COMPLAINTS
30 PROCESSED UNDER THIS SUBHEADING; AND

(2) AN ANNUAL STATISTICAL REPORT REGARDING THE COMPLAINTS
PROCESSED UNDER THIS SUBHEADING.

16-52.

THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING MAY NOT BE
CONSTRUED TO ABROGATE ANY CONSTITUTIONAL, STATUTORY, OR COMMON LAW
RIGHT OF:

(1) A POLICE OFFICER AGAINST WHOM A COMPLAINT IS FILED; OR

(2) THE COMPLAINANTS, INVESTIGATORS, OR WITNESSES WHO
PARTICIPATE IN THE COMPLAINT PROCEDURE.

16-53.

THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING MAY NOT BE
CONSTRUED TO AFFECT OR CHANGE THE METHODS OR PROCEDURES FOR
SUSPENSION OR DISMISSAL OF POLICE OFFICERS.

16-54.

A POLICE OFFICER MAY NOT BE PENALIZED OR AFFECTED ADVERSELY IN ANY
WAY AS A RESULT OF THE PROCEDURES ESTABLISHED UNDER THIS SUBHEADING
WITHOUT HAVING BEEN FIRST AFFORDED PROPER WRITTEN NOTICE OF THE
CHARGES LODGED AGAINST THE OFFICER AND THE RIGHT TO A HEARING BEFORE
THE POLICE TRIAL BOARD IN ACCORDANCE WITH DUE PROCESS OF LAW.

SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial public
members of the Community Oversight and Accountability Commission of Baltimore City
shall expire as follows:

(1) five members in 2021;

(2) five members in 2022; and

(3) five members in 2023.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2020.