

SENATE BILL 864

E4

2lr2650

By: **Senator McCray (By Request – Baltimore City Administration)**

Introduced and read first time: February 7, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Police Officers – Emergency Termination**

3 FOR the purpose of authorizing the chief of a law enforcement agency, or the chief's
4 designee, to terminate the employment of a police officer under certain
5 circumstances; authorizing a police officer to appeal the police officer's termination
6 from employment under this Act in a certain court; and generally relating to the
7 emergency termination of police officers.

8 BY repealing and reenacting, with amendments,

9 Article – Public Safety

10 Section 3–107(c)

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2021 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 – Public Safety**

17 3–107.

18 (c) (1) The chief shall terminate the employment of a police officer who is
19 convicted of a felony.

20 (2) The chief may terminate the employment of a police officer who:

21 (i) receives a probation before judgment for a felony; or

22 (ii) is convicted of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 a police officer;
- 2
- 3 1. a misdemeanor committed in the performance of duties as
- 4 2. misdemeanor second degree assault; or
- 5 3. a misdemeanor involving dishonesty, fraud, theft, or
- misrepresentation.

6 **(3) (I) THE CHIEF OR THE CHIEF'S DESIGNEE MAY TERMINATE THE**

7 **EMPLOYMENT OF A POLICE OFFICER AT ANY TIME PRIOR TO THE POLICE OFFICER**

8 **BEING ADMINISTRATIVELY CHARGED UNDER § 3-104 OF THIS SUBTITLE IF:**

9 **1. THE POLICE OFFICER HAS BEEN ACCUSED OF:**

10 **A. VIOLATING AN INDIVIDUAL'S CONSTITUTIONAL**

11 **RIGHTS IN A MANNER THAT IS EGREGIOUS OR SHOCKS THE CONSCIENCE; OR**

12 **B. COMMITTING A CRIME OF VIOLENCE, AS DEFINED IN §**

13 **14-101(A) OF THE CRIMINAL LAW ARTICLE;**

14 **2. THERE IS VIDEO OR AUDIO EVIDENCE OF THE POLICE**

15 **OFFICER COMMITTING THE ACT; AND**

16 **3. TERMINATING THE EMPLOYMENT OF THE POLICE**

17 **OFFICER WOULD BE IN THE BEST INTEREST OF THE PUBLIC AND THE LAW**

18 **ENFORCEMENT AGENCY.**

19 **(II) 1. A POLICE OFFICER WHO HAS BEEN TERMINATED**

20 **UNDER THIS PARAGRAPH MAY APPEAL THE TERMINATION:**

21 **A. IF THE TERMINATION IS FROM A LOCAL LAW**

22 **ENFORCEMENT AGENCY, IN THE CIRCUIT COURT OF THE COUNTY IN WHICH THE LAW**

23 **ENFORCEMENT AGENCY IS LOCATED; OR**

24 **B. IF THE TERMINATION IS FROM A STATEWIDE OR**

25 **BICOUNTY LAW ENFORCEMENT AGENCY, IN THE CIRCUIT COURT FOR ANNE**

26 **ARUNDEL COUNTY.**

27 **2. A POLICE OFFICER WHO FILES AN APPEAL UNDER**

28 **THIS SUBPARAGRAPH IS ENTITLED TO RELIEF IF:**

1 **A. THE POLICE OFFICER HAS NOT BEEN CHARGED WITH**
2 **A CRIMINAL OFFENSE ARISING FROM THE FACTS AND CIRCUMSTANCES THAT**
3 **RESULTED IN TERMINATION UNDER THIS PARAGRAPH; OR**

4 **B. ALL CRIMINAL CHARGES ARISING FROM THE FACTS**
5 **AND CIRCUMSTANCES THAT RESULTED IN TERMINATION RESULTED IN A FINDING**
6 **OF NOT GUILTY, AN ACQUITTAL, A DISMISSAL, OR A NOLLE PROSEQUI.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2022, the effective date of Chapter 59 of the Acts of the General Assembly of 2021. If the
9 effective date of Chapter 59 is amended, this Act shall take effect on the taking effect of
10 Chapter 59.