

SENATE BILL 763

E4

3lr2066
CF HB 864

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

Introduced and read first time: February 6, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Civilian Review Board and Office of Equity and Civil Rights**

3 FOR the purpose of repealing provisions of law establishing and providing for the
4 responsibilities of the Baltimore City Civilian Review Board; requiring the Baltimore
5 City Office of Equity and Civil Rights to review and investigate certain complaints
6 in a certain manner; providing that the Board may not initiate a new investigation
7 into an allegation of police misconduct after a certain date; requiring the Board to
8 conclude or transfer to the Office certain matters; providing for the transfer of certain
9 responsibilities of the Board; and generally relating to the Baltimore City Civilian
10 Review Board and the Office of Equity and Civil Rights.

11 BY repealing

12 The Public Local Laws of Baltimore City
13 Section 16–41, 16–42, and 16–44
14 Article 4 – Public Local Laws of Maryland
15 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
16 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

17 BY repealing

18 The Public Local Laws of Baltimore City
19 Section 16–43 and 16–45 through 16–54
20 Article 4 – Public Local Laws of Maryland
21 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

22 BY adding to

23 The Public Local Laws of Baltimore City
24 Section 16–56
25 Article 4 – Public Local Laws of Maryland
26 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 16–41 through 16–54 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Local Laws of Maryland be repealed.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 4 – Baltimore City

16–56.

(A) IN THIS SECTION, “OFFICE” MEANS THE BALTIMORE CITY OFFICE OF
EQUITY AND CIVIL RIGHTS OR ITS SUCCESSOR.

(B) (1) THE OFFICE SHALL REVIEW ALL COMPLAINTS ALLEGING POLICE
MISCONDUCT INVOLVING A MEMBER OF THE PUBLIC AND A POLICE OFFICER.

(2) THE OFFICE MAY INVESTIGATE, SIMULTANEOUSLY WITH THE
INTERNAL INVESTIGATIVE DIVISION, EACH COMPLAINT IT DEEMS APPROPRIATE
AND REPORT ITS FINDINGS TO THE ADMINISTRATIVE CHARGING COMMITTEE.

(C) (1) THE OFFICE MAY ISSUE A SUBPOENA TO COMPEL:

(I) THE ATTENDANCE AND TESTIMONY OF A WITNESS; AND

(II) THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER
DOCUMENT.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
THIS SUBSECTION, ON PETITION OF THE OFFICE, A COURT OF COMPETENT
JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(3) A POLICE OFFICER MAY SUBMIT A WITNESS LIST TO THE OFFICE
10 DAYS OR MORE BEFORE THE OFFICE TAKES TESTIMONY.

(4) THE OFFICE MAY ADMINISTER OATHS IN CONNECTION WITH ANY
PROCEEDING UNDER THIS PARAGRAPH.

(5) THE POLICE OFFICER OR THE POLICE OFFICER’S
REPRESENTATIVE MAY QUESTION WITNESSES WHO TESTIFY ABOUT THE
COMPLAINT.

(6) ALL WITNESS TESTIMONY SHALL BE RECORDED.

1 **(D) THE OFFICE SHALL REVIEW THE INTERNAL INVESTIGATIVE DIVISION’S**
2 **INVESTIGATIVE REPORT.**

3 SECTION 3. AND BE IT FURTHER ENACTED, That, on and after July 1, 2023, the
4 Baltimore City Civilian Review Board may not initiate a new investigation into an
5 allegation of police misconduct. On or before January 1, 2024, the Baltimore City Civilian
6 Review Board shall conclude or transfer to the Baltimore City Office of Equity and Civil
7 Rights any matter that the Board was actively investigating on July 1, 2023.

8 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
9 Assembly that, except as otherwise provided in this Act, to the extent provided by State
10 law, on July 1, 2023, the responsibilities of the Baltimore City Civilian Review Board, as
11 they exist on June 30, 2023, shall be transferred to any other board or agency determined
12 appropriate by the Baltimore City Council.

13 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
14 effect January 1, 2024.

15 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in Section
16 5 of this Act, this Act shall take effect July 1, 2023.