

HOUSE BILL 1197

E4
HB 991/22 – JUD

3lr2623

By: **Delegate Smith**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Civilian Review Board and Police Accountability Board**

3 FOR the purpose of altering the powers and duties of the Baltimore City Civilian Review
4 Board; altering the powers and duties of the Baltimore City police accountability
5 board; repealing the Baltimore City Civilian Review Board; and generally relating
6 to the Baltimore City Civilian Review Board and the police accountability board.

7 BY repealing and reenacting, with amendments,
8 The Public Local Laws of Baltimore City
9 Section 16–42
10 Article 4 – Public Local Laws of Maryland
11 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
12 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

13 BY adding to
14 The Public Local Laws of Baltimore City
15 Section 16–56
16 Article 4 – Public Local Laws of Maryland
17 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

18 BY repealing
19 The Public Local Laws of Baltimore City
20 Section 16–41, 16–42, and 16–44
21 Article 4 – Public Local Laws of Maryland
22 (1979 Edition and 1997 Supplement and 2000 Supplement, as amended)
23 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

24 BY repealing
25 The Public Local Laws of Baltimore City
26 Section 16–43 and 16–45 through 16–54
27 Article 4 – Public Local Laws of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

Article 4 – Baltimore City

16–42.

(a) The Civilian Review Board of Baltimore City is established to provide a permanent, statutory agency in Baltimore City through which:

(1) complaints lodged by members of the public regarding [abusive language, false arrest, false imprisonment, harassment, or excessive force] **MISCONDUCT** by police officers of a law enforcement unit shall be processed, investigated under § 16–46 of this subheading, and evaluated; and

(2) policies of a law enforcement unit may be reviewed.

(b) **[Jurisdiction] SUBJECT TO SUBSECTION (C) OF THIS SECTION, JURISDICTION** of the Board shall extend [only to complaints against police officers with respect to abusive language, false arrest, false imprisonment, harassment, and use of excessive force as defined in § 16–41 of this subheading and by the law enforcement unit’s rules and regulations] **TO ALL COMPLAINTS MADE BY MEMBERS OF THE PUBLIC REGARDING MISCONDUCT BY POLICE OFFICERS.**

(C) (1) (I) THE BOARD MAY EXERCISE CONCURRENT JURISDICTION WITH THE POLICE INTEGRITY BUREAU IN THE INVESTIGATION OF COMPLAINTS THE BOARD CONSIDERS APPROPRIATE.

(II) THE BOARD SHALL REPORT ITS FINDINGS TO THE POLICE INTEGRITY BUREAU.

(2) THE BOARD MAY NOT EXERCISE JURISDICTION OVER MATTERS WITHIN THE JURISDICTION OF AN ADMINISTRATIVE CHARGING COMMITTEE ESTABLISHED IN ACCORDANCE WITH § 3–104 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.

(D) (1) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIR OF THE BOARD, TO COMPEL:

(I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER THAN THE ACCUSED OFFICER; AND

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

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

[(c)] (E) A law enforcement unit shall place posters in all law enforcement unit stations and elsewhere throughout the City to explain the procedure for filing a complaint.

[(d)] (F) An explanation of the Board's complaint procedures shall be made to all police officers in a general order to be included in the manual of rules and procedures of a law enforcement unit, and shall be included in the training program for new police officers.

[(e)] (G) Each member of the Board shall receive training on the issues of abusive language, false arrest, false imprisonment, harassment, and excessive force.

(H) (1) THE ANNUAL BUDGET FOR BALTIMORE CITY SHALL INCLUDE AN APPROPRIATION TO FUND THE BALTIMORE CITY CIVILIAN REVIEW BOARD THAT IS NOT LESS THAN \$1,500,000.

(2) THE BALTIMORE CITY CIVILIAN REVIEW BOARD MAY USE THE FUNDS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR:

(I) EMPLOYING STAFF AND INVESTIGATORS;

(II) HIRING OR CONTRACTING FOR LEGAL COUNSEL, SUBJECT TO A MEMORANDUM OF UNDERSTANDING WITH THE CITY SOLICITOR FOR BALTIMORE CITY; AND

(III) ANY OTHER EXPENDITURE APPROVED BY A QUORUM OF THE BALTIMORE CITY CIVILIAN REVIEW BOARD.

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, “BOARD” MEANS A POLICE ACCOUNTABILITY BOARD ESTABLISHED UNDER § 3–102 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.

(B) THE BOARD MAY NOT EXERCISE JURISDICTION OVER MATTERS WITHIN THE JURISDICTION OF AN ADMINISTRATIVE CHARGING COMMITTEE ESTABLISHED IN ACCORDANCE WITH § 3-104 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.

(C) A LAW ENFORCEMENT AGENCY SHALL PLACE POSTERS IN EACH STATION OF THE LAW ENFORCEMENT AGENCY AND ELSEWHERE THROUGHOUT THE CITY TO EXPLAIN THE PROCEDURE FOR FILING A COMPLAINT WITH THE BOARD AGAINST A LAW ENFORCEMENT OFFICER.

(D) AN EXPLANATION OF THE COMPLAINT PROCEDURES FOR THE BOARD SHALL BE:

(1) MADE TO ALL POLICE OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE MANUAL OF RULES AND PROCEDURES OF THE LAW ENFORCEMENT AGENCY; AND

(2) INCLUDED IN THE TRAINING PROGRAM FOR NEW POLICE OFFICERS.

(E) EACH MEMBER OF THE BOARD SHALL RECEIVE TRAINING ON THE ISSUES OF ABUSIVE LANGUAGE, FALSE ARREST, FALSE IMPRISONMENT, HARASSMENT, AND EXCESSIVE FORCE.

(F) (1) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIR OF THE BOARD, TO COMPEL:

(I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER THAN THE ACCUSED OFFICER; AND

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

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(G) (1) THE ANNUAL BUDGET FOR BALTIMORE CITY SHALL INCLUDE AN APPROPRIATION TO FUND THE BOARD THAT IS NOT LESS THAN \$1,500,000.

(2) THE BOARD MAY USE THE FUNDS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR:

(I) EMPLOYING STAFF AND INVESTIGATORS;

(II) HIRING OR CONTRACTING FOR LEGAL COUNSEL, SUBJECT TO A MEMORANDUM OF UNDERSTANDING WITH THE CITY SOLICITOR FOR BALTIMORE CITY; AND

(III) ANY OTHER EXPENDITURE APPROVED BY A QUORUM OF THE BOARD.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before July 31, 2023:

(1) the City Solicitor for Baltimore City shall execute a memorandum of understanding with the Baltimore City Civilian Review Board and the subsequent police accountability board for Baltimore City agreeing to the right of each of the boards to hire independent counsel;

(2) the City Solicitor for Baltimore City, the Baltimore City Civilian Review Board, and the police accountability board established under § 1–302 of the Public Safety Article of the Annotated Code of Maryland shall execute a memorandum of understanding to accommodate the complete transition of the duties and responsibilities of the Civilian Review Board to the police accountability board on or before April 1, 2024.

(b) The memorandum of understanding entered into under subsection (a)(2) of this section shall include agreements relating to:

(1) the transition of all appropriations, including State and federal funds, held by the Baltimore City Civilian Review Board to carry out the functions, programs, and services transferred under this Act;

(2) the transfer of employees to the police accountability board for Baltimore City without diminution of their rights, benefits, employment, or retirement status; and

(3) except as otherwise provided by law, the continuation of the application of existing laws, regulations, proposed regulations, standards and guides, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the Baltimore City Civilian Review Board to the police accountability board.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this Act, Section(s) 16–41 through 16–54 of Article 4 – Baltimore City of the Code of Public Local Laws of Maryland be repealed.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this Act, the Baltimore City Civilian Review Board is hereby abolished and the police

1 accountability board for Baltimore City created under this Act shall be the successor of the
2 Baltimore City Civilian Review Board.

3 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this
4 Act, the publisher of the Public Local Laws of Maryland, in consultation with and subject
5 to the approval of the Department of Legislative Services, shall correct, with no further
6 action required by the General Assembly, cross-references and terminology rendered
7 incorrect by this Act or by any other Act of the General Assembly of 2023 that affects
8 provisions enacted by this Act. The publisher shall adequately describe any correction that
9 is made in an editor's note following the section affected.

10 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 4, 5, and 6 of this
11 Act shall take effect April 1, 2024. On the taking effect of Sections 4, 5, and 6 of this Act,
12 Section 1 of this Act, with no further action required by the General Assembly, shall be
13 abrogated and of no further force and effect.

14 SECTION 8. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this
15 Act, this Act shall take effect July 1, 2023.