

# SENATE BILL 50

E4, E2

1lr1319

(PRE-FILED)

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By: **Senator Carter**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Police Officers – Duty to Intervene**

3 FOR the purpose of requiring a certain police officer to make a certain attempt to intervene  
4 to terminate or prevent a certain other police officer's use of force under certain  
5 circumstances; prohibiting a police officer from knowingly and willfully violating the  
6 requirement to intervene established under this Act; establishing a certain penalty  
7 for a violation of this Act; providing that a person who is injured as a result of a  
8 violation of this Act has a civil cause of action against the police officer who  
9 committed the violation; requiring the Maryland Police Training and Standards  
10 Commission to require certain entrance-level and in-service training on the  
11 requirements of this Act; defining certain terms; and generally relating to law  
12 enforcement procedures.

13 BY adding to

14 Article – Criminal Procedure  
15 Section 2-109  
16 Annotated Code of Maryland  
17 (2018 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Public Safety  
20 Section 3-207(a)(23) and (24)  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2020 Supplement)

23 BY adding to

24 Article – Public Safety  
25 Section 3-207(a)(25)  
26 Annotated Code of Maryland  
27 (2018 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 **2–109.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7 (2) “EXCESSIVE FORCE” MEANS PHYSICAL FORCE THAT, UNDER THE  
8 TOTALITY OF THE CIRCUMSTANCES, IS OBJECTIVELY UNREASONABLE.

9 (3) “POLICE OFFICER” HAS THE MEANING STATED IN § 3–201 OF THE  
10 PUBLIC SAFETY ARTICLE.

11 (B) A POLICE OFFICER WHO KNOWS OR REASONABLY SHOULD KNOW THAT  
12 ANOTHER POLICE OFFICER IS USING EXCESSIVE FORCE OR INTENDS TO USE  
13 EXCESSIVE FORCE SHALL MAKE A REASONABLE ATTEMPT TO INTERVENE TO  
14 TERMINATE OR PREVENT THE OTHER POLICE OFFICER’S USE OF EXCESSIVE FORCE.

15 (C) A POLICE OFFICER MAY NOT KNOWINGLY AND WILLFULLY VIOLATE  
16 SUBSECTION (B) OF THIS SECTION.

17 (D) A POLICE OFFICER WHO VIOLATES SUBSECTION (C) OF THIS SECTION IS  
18 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT  
19 NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.

20 (E) IN ADDITION TO THE IMPOSITION OF ANY PENALTIES UNDER  
21 SUBSECTION (D) OF THIS SECTION, A PERSON WHO IS INJURED AS A RESULT OF A  
22 VIOLATION OF THIS SECTION HAS A CIVIL CAUSE OF ACTION AGAINST THE POLICE  
23 OFFICER WHO COMMITTED THE VIOLATION.

24 **Article – Public Safety**

25 **3–207.**

26 (a) The Commission has the following powers and duties:

27 (23) to perform any other act, including adopting regulations, that is  
28 necessary or appropriate to carry out the powers and duties of the Commission under this  
29 subtitle; [and]

1           (24) to consult and cooperate with commanders of SWAT teams to develop  
2 standards for training and deployment of SWAT teams and of law enforcement officers who  
3 are not members of a SWAT team who conduct no-knock warrant service in the State based  
4 on best practices in the State and nationwide; **AND**

5           **(25) TO REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT**  
6 **LEAST EVERY 2 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY**  
7 **THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT**  
8 **THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE TRAINING ON THE**  
9 **REQUIREMENT TO INTERVENE TO TERMINATE OR PREVENT THE USE OF EXCESSIVE**  
10 **FORCE AS REQUIRED BY § 2-109 OF THE CRIMINAL PROCEDURE ARTICLE.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2021.