

SENATE BILL 898

E4

9lr3078
CF HB 983

By: **Senator Carter**

Introduced and read first time: February 14, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Investigation of an Officer–Involved Death**
3 **(Law Enforcement Trust and Transparency Act)**

4 FOR the purpose of requiring each law enforcement agency to develop and implement a
5 certain policy requiring the investigation of a certain officer–involved death;
6 requiring that a certain policy require a certain investigation to be performed by a
7 certain number of investigators who have certain qualifications; requiring certain
8 investigators to submit a certain report to a certain State’s Attorney at a certain
9 time; requiring certain investigators to release a certain report to the public under
10 certain circumstances; providing that this Act shall not be interpreted to prohibit a
11 certain review of a certain officer–involved death for a certain purpose; defining
12 certain terms; and generally relating to investigations of law enforcement officers.

13 BY adding to
14 Article – Public Safety
15 Section 3–507.1
16 Annotated Code of Maryland
17 (2018 Replacement Volume)

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

20 **Article – Public Safety**

21 **3–507.1.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §**
2 **2–101 OF THIS ARTICLE.**

3 **(3) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN §**
4 **3–101 OF THIS TITLE.**

5 **(4) “OFFICER–INVOLVED DEATH” HAS THE MEANING STATED IN §**
6 **3–507 OF THIS SUBTITLE.**

7 **(B) EACH LAW ENFORCEMENT AGENCY SHALL DEVELOP AND IMPLEMENT A**
8 **WRITTEN POLICY REQUIRING THE INVESTIGATION OF EACH OFFICER–INVOLVED**
9 **DEATH INVOLVING A LAW ENFORCEMENT OFFICER EMPLOYED BY THE LAW**
10 **ENFORCEMENT AGENCY.**

11 **(C) EACH POLICY SHALL REQUIRE THAT AN INVESTIGATION BE**
12 **PERFORMED BY AT LEAST TWO INVESTIGATORS WHO:**

13 **(1) ARE EMPLOYED BY A LAW ENFORCEMENT AGENCY;**

14 **(2) ARE NOT EMPLOYED BY THE LAW ENFORCEMENT AGENCY**
15 **EMPLOYING THE LAW ENFORCEMENT OFFICER INVOLVED IN THE**
16 **OFFICER–INVOLVED DEATH; AND**

17 **(3) HAVE EXPERIENCE CONDUCTING COMPLEX CRIMINAL**
18 **INVESTIGATIONS.**

19 **(D) (1) AS SOON AS POSSIBLE AFTER COMPLETING THEIR**
20 **INVESTIGATION, THE INVESTIGATORS CONDUCTING THE OFFICER–INVOLVED**
21 **DEATH INVESTIGATION SHALL SUBMIT A FINAL WRITTEN REPORT TO THE STATE’S**
22 **ATTORNEY OF THE COUNTY IN WHICH THE OFFICER–INVOLVED DEATH OCCURRED.**

23 **(2) IF THE STATE’S ATTORNEY DETERMINES THAT THERE IS NOT A**
24 **SUFFICIENT BASIS TO PROSECUTE THE LAW ENFORCEMENT OFFICER INVOLVED IN**
25 **THE OFFICER–INVOLVED DEATH, THE INVESTIGATORS SHALL RELEASE TO THE**
26 **PUBLIC:**

27 **(I) THE FINAL WRITTEN REPORT IN FULL, IF THE FINAL**
28 **WRITTEN REPORT DOES NOT CONTAIN CONFIDENTIAL INFORMATION; OR**

29 **(II) THE FINAL WRITTEN REPORT, REDACTED OF CONFIDENTIAL**
30 **INFORMATION, IF THE FINAL WRITTEN REPORT CONTAINS CONFIDENTIAL**
31 **INFORMATION.**

1 **(E) THIS SECTION SHALL NOT BE INTERPRETED TO PROHIBIT AN INTERNAL**
2 **ADMINISTRATIVE REVIEW OF THE OFFICER-INVOLVED DEATH FOR POSSIBLE**
3 **DISCIPLINE OF A LAW ENFORCEMENT OFFICER UNDER SUBTITLE 1 OF THIS TITLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.