

**HB1221/432614/2**

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1221  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “circumstances;” insert “requiring a custodian to grant inspection of certain records by a complainant under certain circumstances; requiring a certain hearing board to convene under certain circumstances to review certain complaints and make a certain determination; requiring a certain officer to appear and testify at a certain hearing board, with a certain exception; requiring each law enforcement agency to annually submit certain information relating to use of force complaints to the Maryland Police Training and Standards Commission; requiring the Commission to annually post on its website and submit to the General Assembly a compendium of certain information; prohibiting the Governor’s Office of Crime Prevention, Youth, and Victim Services from making certain grant funds available to a certain law enforcement agency under certain circumstances;”.

On page 2, after line 5, insert:

“BY adding to

Article – Public Safety

Section 3–114

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Safety

Section 3–514

Annotated Code of Maryland

(2018 Replacement Volume and 2019 Supplement)”.

(Over)

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AMENDMENT NO. 2

On page 3, in line 14, strike the second “OR”; in line 16, after “CRIME” insert “;  
OR

(IV) IMPROPERLY USED FORCE AGAINST A MEMBER OF THE  
PUBLIC”;

and in line 18, after “section,” insert “AND EXCEPT AS PROVIDED IN SUBSECTION (C)  
OF THIS SECTION,”.

AMENDMENT NO. 3

On page 4, after line 9, insert:

“(C) A CUSTODIAN SHALL GRANT INSPECTION OF A RECORD DESCRIBED  
IN SUBSECTION (A)(4) OF THIS SECTION BY A COMPLAINANT IF:

(1) TWO OR MORE PREVIOUS SUSTAINED, UNSUSTAINED,  
UNFOUNDED, OR EXONERATED COMPLAINTS INVOLVING CONDUCT DESCRIBED  
IN § 4-311(C)(3)(I), (II), (III), OR (IV) OF THIS SUBTITLE WERE MADE AGAINST THE  
SAME LAW ENFORCEMENT OFFICER DURING THE 1 YEAR PRECEDING THE  
INCIDENT THAT IS THE BASIS FOR THE COMPLAINT;

(2) THE PREVIOUS COMPLAINTS AROSE OUT OF DIFFERENT  
EVENTS OCCURRING ON DIFFERENT DATES, WHERE AT LEAST ONE OF THE DATES  
WAS ON OR AFTER JULY 1, 2020; AND

(3) THE PREVIOUS COMPLAINTS WERE EACH MADE BY DIFFERENT  
COMPLAINANTS.

3-114.

(A) IF A COMPLAINANT IS GRANTED INSPECTION OF RECORDS UNDER § 4-351(C) OF THE GENERAL PROVISIONS ARTICLE, A HEARING BOARD CONTAINING AT LEAST ONE VOTING CITIZEN MEMBER WHO HAS RECEIVED TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES SHALL CONVENE AND PROCEED IN ACCORDANCE WITH THIS SUBTITLE TO:

(1) REVIEW THE INVESTIGATIONS OF THE PREVIOUS COMPLAINTS MADE AGAINST THE LAW ENFORCEMENT OFFICER IN QUESTION; AND

(2) DETERMINE WHETHER RECORDS RELATING TO THE PREVIOUS COMPLAINTS SHOULD BE CONSIDERED PERSONNEL RECORDS UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE (THE PUBLIC INFORMATION ACT).

(B) EACH OFFICER WHO WAS IN CHARGE OF AN INVESTIGATION OF A PREVIOUS COMPLAINT UNDER REVIEW SHALL APPEAR AND TESTIFY AT THE HEARING BOARD REQUIRED UNDER THIS SECTION, UNLESS UNAVAILABLE FOR GOOD CAUSE.

3-514.

(A) Each law enforcement agency shall require a law enforcement officer who was involved in a use of force incident in the line of duty to file an incident report regarding the use of force by the end of the officer's shift unless the officer is disabled.

(Over)

(B) (1) ON OR BEFORE MARCH 1 ANNUALLY, EACH LAW ENFORCEMENT AGENCY SHALL SUBMIT TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION THE NUMBER OF USE OF FORCE COMPLAINTS MADE AGAINST ITS LAW ENFORCEMENT OFFICERS DURING THE PREVIOUS CALENDAR YEAR, BROKEN DOWN BY NUMBERS OF COMPLAINTS SUSTAINED, UNSUSTAINED, UNFOUNDED, AND EXONERATED.

(2) ON OR BEFORE JULY 15 ANNUALLY, THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL POST ON ITS WEBSITE AND SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, A COMPENDIUM OF THE INFORMATION SUBMITTED BY LAW ENFORCEMENT AGENCIES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IF A LAW ENFORCEMENT AGENCY HAS NOT SUBMITTED THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION BY JULY 1 FOR THE PREVIOUS CALENDAR YEAR, THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES MAY NOT MAKE ANY GRANT FUNDS AVAILABLE TO THAT LAW ENFORCEMENT AGENCY.”;

and in line 11, strike “October” and substitute “July”.