

HOUSE BILL 128

E4

0lr1367

By: **Delegates Crosby, Charkoudian, W. Fisher, and J. Lewis**

Introduced and read first time: January 15, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement – Department of State Police – Body-Worn Cameras**

3 FOR the purpose of requiring, on or before a certain date, the Department of State Police
4 to adopt policies and procedures for the use of body-worn cameras consistent with
5 certain policies developed by the Maryland Police Training and Standards
6 Commission; requiring, on or before a certain date, the Department to issue
7 body-worn cameras for police employees of the Department to use while on duty; and
8 generally relating to body-worn cameras and the Department of State Police.

9 BY repealing and reenacting, with amendments,
10 Article – Public Safety
11 Section 2–407
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 3–511
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2019 Supplement)

19 BY adding to
20 Article – Public Safety
21 Section 3–511.1
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2019 Supplement)

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

26 **Article – Public Safety**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 2-407.

2 (a) (1) The Department shall provide uniforms and equipment necessary for
3 the performance of the duties of employees in accordance with the State budget.

4 (2) Uniforms and equipment shall be purchased by the Department in
5 accordance with Division II of the State Finance and Procurement Article and remain the
6 property of the State.

7 (b) (1) Subject to paragraph (2) of this subsection, the Secretary may grant
8 permission to off-duty police employees to use police vehicles during off-duty hours if, in
9 the opinion of the Secretary, the vehicles will not be needed by on-duty police employees.

10 (2) Only the police employees to whom permission has been granted to use
11 the police vehicles may operate the police vehicles.

12 **(C) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ISSUE**
13 **BODY-WORN CAMERAS FOR USE BY POLICE EMPLOYEES WHILE ON DUTY.**

14 3-511.

15 On or before January 1, 2016, the Maryland Police Training and Standards
16 Commission shall develop and publish online a policy for the issuance and use of a
17 body-worn camera by a law enforcement officer that addresses:

18 (1) the testing of body-worn cameras to ensure adequate functioning;

19 (2) the procedure for the law enforcement officer to follow if the camera
20 fails to properly operate at the beginning of or during the law enforcement officer's shift;

21 (3) when recording is mandatory;

22 (4) when recording is prohibited;

23 (5) when recording is discretionary;

24 (6) when recording may require consent of a subject being recorded;

25 (7) when a recording may be ended;

26 (8) providing notice of recording;

27 (9) access to and confidentiality of recordings;

28 (10) the secure storage of data from a body-worn camera;

- 1 (11) review and use of recordings;
- 2 (12) retention of recordings;
- 3 (13) dissemination and release of recordings;
- 4 (14) consequences for violations of the agency's body-worn camera policy;
- 5 (15) notification requirements when another individual becomes a party to
6 the communication following the initial notification;
- 7 (16) specific protections for individuals when there is an expectation of
8 privacy in private or public places; and
- 9 (17) any additional issues determined to be relevant in the implementation
10 and use of body-worn cameras by law enforcement officers.

11 **3-511.1.**

12 (A) IN THIS SECTION, "LAW ENFORCEMENT OFFICER" HAS THE MEANING
13 STATED IN § 3-101(E) OF THIS TITLE.

14 (B) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT OF STATE POLICE
15 SHALL ADOPT POLICIES AND PROCEDURES FOR THE USE OF BODY-WORN CAMERAS
16 CONSISTENT WITH THE POLICIES DEVELOPED BY THE MARYLAND POLICE
17 TRAINING AND STANDARDS COMMISSION UNDER § 3-511 OF THIS SUBTITLE.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.