

SB0074/238072/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 74

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Washington” and substitute “Senators Washington, Smith, Waldstreicher, Bailey, Carter, Cassilly, Jackson, Lee, Sydnor, West, and Hettleman”; in line 2, strike “**Police Officers – Mental Health – Employee Assistance Programs**” and substitute “**Maryland Police Accountability Act of 2021 – Employee Assistance Programs and Early Intervention Programs**”; in line 3, after “of” insert “altering a certain provision of law requiring each law enforcement agency to establish a certain early intervention policy to instead require a system to identify police officers who are at risk of engaging in certain behavior;”; and after line 7, insert:

“BY repealing and reenacting, with amendments,

Article - Public Safety

Section 3-516

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“3-516.

(a) Each law enforcement agency shall establish a confidential and nonpunitive early intervention [policy for counseling officers who receive three or more citizen complaints within a 12-month period] **SYSTEM TO IDENTIFY POLICE OFFICERS WHO ARE AT RISK OR ENGAGING IN THE USE OF EXCESSIVE FORCE AND TO PROVIDE THE OFFICERS WITH TRAINING, BEHAVIORAL INTERVENTIONS,**

(Over)

REASSIGNMENTS, OR OTHER APPROPRIATE RESPONSES TO REDUCE THE RISK OF THE USE OF EXCESSIVE FORCE.

(b) A [policy] SYSTEM described in this section may not prevent the investigation of or imposition of discipline for any particular complaint.”.

On page 2, in line 7, strike “OR A MENTAL HEALTH PROGRAM”; in line 15, strike “MENTAL HEALTH EVALUATIONS” and substitute “RESILIENCY SESSIONS”; and strike in their entirety lines 17 through 27, inclusive, and substitute:

“(D) (1) IN ADDITION TO THE REQUIREMENTS OF § 3-516 OF THIS SUBTITLE AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AS PART OF THE EMPLOYEE ASSISTANCE PROGRAM REQUIRED BY THIS SECTION, BEFORE A POLICE OFFICER RETURNS TO FULL DUTY, A LAW ENFORCEMENT AGENCY SHALL PROVIDE:

(I) A VOLUNTARY MENTAL HEALTH CONSULTATION AND VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE OFFICER IS INVOLVED IN AN INCIDENT INVOLVING AN ACCIDENT RESULTING IN A FATALITY; AND

(II) A MANDATORY MENTAL HEALTH CONSULTATION AND VOLUNTARY COUNSELING SERVICES TO THE POLICE OFFICER IF THE POLICE OFFICER IS INVOLVED IN AN INCIDENT INVOLVING:

- 1. A SERIOUS INJURY TO THE POLICE OFFICER;**
- 2. AN OFFICER-INVOLVED SHOOTING; OR**

**3. ANY USE OF FORCE RESULTING IN A FATALITY OR
SERIOUS INJURY.**

**(2) A MENTAL HEALTH CONSULTATION AND COUNSELING SERVICE
PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE
CONFIDENTIAL.”.**

On page 3, in line 3, strike “MINIMAL” and substitute “NO”.