

# SENATE BILL 626

E4, E1, D3

11r1297  
CF HB 139

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By: **Senator Carter**

Introduced and read first time: January 29, 2021

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 17, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Police Accountability Act of 2021 – Law Enforcement Officers – Use of**  
3 **Force, Reporting, and Whistleblower Protections**

4 FOR the purpose of ~~authorizing a person to seek certain relief for use of force by a law~~  
5 ~~enforcement officer, under certain circumstances, by filing a civil action with a~~  
6 ~~certain court; providing that a certain person is not precluded from pursuing a~~  
7 ~~certain legal remedy under certain circumstances; authorizing the Attorney General~~  
8 ~~to file a civil action for certain relief under certain circumstances; providing for the~~  
9 ~~use of force by a certain law enforcement officer; providing for the use of lethal force~~  
10 ~~by a certain law enforcement officer; providing that a law enforcement officer who~~  
11 ~~uses lethal force against a person in a manner inconsistent with a certain provision~~  
12 ~~of this Act may be charged with certain crimes; prohibiting a law enforcement officer~~  
13 ~~from recklessly failing to act in accordance with certain provisions of this Act;~~  
14 ~~prohibiting a law enforcement officer from knowingly and willfully failing to act in~~  
15 ~~accordance with certain provisions of this Act; prohibiting a law enforcement officer~~  
16 ~~from intentionally using excessive force; requiring a law enforcement officer to~~  
17 ~~intervene to prevent another law enforcement officer's use of excessive force under~~  
18 ~~certain circumstances; requiring a certain law enforcement officer to report certain~~  
19 ~~conduct of another law enforcement officer to a certain supervisor or other~~  
20 ~~individuals under certain circumstances; prohibiting a law enforcement officer from~~  
21 ~~intentionally failing to provide certain medical treatment; providing certain~~  
22 ~~penalties for a violation of this Act; altering the duties of the Maryland Police~~  
23 ~~Training and Standards Commission; authorizing the Commission to suspend or~~  
24 ~~revoke the certification of a police officer under certain circumstances; requiring each~~  
25 local law enforcement agency to establish, maintain, and implement certain policies

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 and guidance for law enforcement agencies on or before a certain date; requiring each  
 2 local law enforcement agency to include in its annual budget funds for a certain  
 3 purpose on or before a certain date; ~~requiring a local law enforcement agency to post~~  
 4 ~~on its public website certain data on or before a certain date and every 6 months~~  
 5 ~~thereafter~~; requiring each local law enforcement agency to make a certain report to  
 6 the Governor's Office of Crime Prevention, Youth, and Victim Services at certain  
 7 intervals of time; requiring the Governor's Office to develop a certain form and take  
 8 certain actions regarding certain reports; requiring the Governor's Office to report  
 9 certain noncompliance to the Commission; requiring the ~~Attorney General~~  
 10 Commission to annually review a certain sample of certain policies enacted by local  
 11 law enforcement agencies beginning on or before a certain date; providing that  
 12 certain local law enforcement agencies may not receive certain funds under certain  
 13 circumstances; requiring the ~~Attorney General~~ Commission to make certain  
 14 notifications under certain circumstances; prohibiting a supervisor, an appointing  
 15 authority, or the head of a certain law enforcement agency from threatening or  
 16 taking certain retaliatory actions against a certain law enforcement officer who  
 17 discloses certain information or seeks a certain remedy; providing that the  
 18 protections afforded under this Act apply to certain disclosures only under certain  
 19 circumstances; authorizing a certain law enforcement officer to file a civil action  
 20 against a certain law enforcement agency for certain relief; authorizing the law  
 21 enforcement officer to seek certain statutory damages instead of certain relief;  
 22 providing that, under certain circumstances, the law enforcement agency has the  
 23 burden of proving by clear and convincing evidence that certain personnel actions  
 24 would have occurred despite a certain disclosure; requiring the trier of fact to  
 25 consider certain factors in awarding certain statutory damages; authorizing the  
 26 court to award certain relief and damages to the law enforcement officer under  
 27 certain circumstances; requiring the court to issue a certain injunction under certain  
 28 circumstances; authorizing a court to award certain attorney's fees and litigation  
 29 expenses to a law enforcement agency under certain circumstances; providing that  
 30 this Act may not be construed to diminish certain rights, privileges, or remedies;  
 31 requiring the Attorney General to take certain actions for certain purposes;  
 32 providing that this Act does not preclude certain actions or prohibit certain personnel  
 33 actions; providing for the application of this Act; defining certain terms; and  
 34 generally relating to the use of force by law enforcement officers.

35 ~~BY adding to~~

36 ~~Article — Courts and Judicial Proceedings~~

37 ~~Section 3-2201 to be under the new subtitle "Subtitle 22. Excessive Force by Law~~  
 38 ~~Enforcement Officers"~~

39 ~~Annotated Code of Maryland~~

40 ~~(2020 Replacement Volume)~~

41 BY adding to

42 Article – Criminal Law

43 Section 10-801 through 10-805 to be under the new subtitle "Subtitle 8. Improper  
 44 Use of Force by Law Enforcement Officers"

45 Annotated Code of Maryland

(2012 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3–207(a)(16), (23), and (24) and 3–212  
Annotated Code of Maryland  
(2018 Replacement Volume and 2020 Supplement)

BY adding to  
 Article – Public Safety  
 Section 3–207(a)(25) and 3–523; and 3–801 through 3–805 to be under the new  
subtitle “Subtitle 8. Whistleblower Protections”  
 Annotated Code of Maryland  
 (2018 Replacement Volume and 2020 Supplement)

Preamble

WHEREAS, The great power entrusted to law enforcement officers to use physical force must be exercised judiciously, and governed in the overriding principles of respect for human rights and dignity and the sanctity of human life; and

WHEREAS, Every person has a right to be free from excessive use of force by law enforcement officers acting under authority of the State; and

WHEREAS, The pursuit of justice ought not come at such cost to life and dignity to outweigh or mar the good sought in it; now, therefore,

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

~~Article – Courts and Judicial Proceedings~~

~~SUBTITLE 22. EXCESSIVE FORCE BY LAW ENFORCEMENT OFFICERS.~~

~~3–2201.~~

~~(A) A PERSON MAY SEEK RELIEF BY FILING WITH ANY COURT OF COMPETENT JURISDICTION A CIVIL ACTION FOR THE USE OF FORCE BY A LAW ENFORCEMENT OFFICER IN A MANNER INCONSISTENT WITH § 10–801 OF THE CRIMINAL LAW ARTICLE.~~

~~(B) A PERSON IS NOT LIMITED TO OR PRECLUDED FROM PURSUING ANY OTHER LEGAL REMEDY BY PROCEEDING UNDER THIS SUBTITLE.~~

~~(C) THE ATTORNEY GENERAL MAY FILE A CIVIL ACTION FOR SUCH DECLARATORY OR INJUNCTIVE RELIEF AS IS NECESSARY TO REMEDY ANY UNLAWFUL USE OF FORCE.~~

#### Article – Criminal Law

#### SUBTITLE 8. IMPROPER USE OF FORCE BY LAW ENFORCEMENT OFFICERS.

#### 10–801.

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “DE-ESCALATION TACTICS AND TECHNIQUES” MEANS PROACTIVE ACTIONS AND APPROACHES USED BY A LAW ENFORCEMENT OFFICER TO STABILIZE A SITUATION SO THAT MORE TIME, OPTIONS, AND RESOURCES ARE AVAILABLE TO GAIN A PERSON’S VOLUNTARY COMPLIANCE AND REDUCE OR ELIMINATE THE NEED TO USE FORCE, INCLUDING:~~

~~(1) VERBAL PERSUASION;~~

~~(2) TACTICAL TECHNIQUES;~~

~~(3) SLOWING DOWN THE PACE OF AN INCIDENT;~~

~~(4) WAITING OUT A SUSPECT;~~

~~(5) CREATING DISTANCE BETWEEN THE OFFICER AND THE PERSON;~~

~~(6) REQUESTING ADDITIONAL RESOURCES TO RESOLVE AN INCIDENT;~~

~~(7) ALLOWING A PERSON TO MOVE ABOUT IF IT IS SAFE TO DO SO; AND~~

~~(8) ALLOWING A PERSON THE OPPORTUNITY TO MAKE STATEMENTS OR ASK QUESTIONS.~~

~~(C) (1) “IMMINENT THREAT” MEANS, WHEN BASED ON THE TOTALITY OF THE CIRCUMSTANCES, A REASONABLE LAW ENFORCEMENT OFFICER WITH EXPERIENCE AND TRAINING IN THE USE OF FORCE OR LETHAL FORCE IN THE SAME SITUATION WOULD BELIEVE THAT A PERSON HAS THE PRESENT ABILITY, OPPORTUNITY, AND APPARENT INTENT TO CAUSE IMMEDIATE DEATH OR PHYSICAL INJURY TO THE OFFICER OR ANOTHER PERSON, AND FROM APPEARANCES, MUST BE INSTANTLY CONFRONTED AND ADDRESSED TO PREVENT DEATH OF OR PHYSICAL INJURY TO THE OFFICER OR ANOTHER PERSON.~~

1           ~~(2) "IMMINENT THREAT" DOES NOT INCLUDE THE MERE FEAR OF~~  
2 ~~FUTURE HARM, NO MATTER HOW GREAT THE FEAR AND NO MATTER HOW GREAT THE~~  
3 ~~LIKELIHOOD OF THE THREAT.~~

4           ~~(D) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 1-202~~  
5 ~~OF THE PUBLIC SAFETY ARTICLE.~~

6           ~~(E) (1) "LETHAL FORCE" MEANS ANY FORCE THAT CREATES A~~  
7 ~~SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY, WHETHER OR NOT~~  
8 ~~INTENDED TO CAUSE DEATH OR SERIOUS PHYSICAL INJURY.~~

9           ~~(2) "LETHAL FORCE" INCLUDES:~~

10           ~~(I) THE DISCHARGE OF A FIREARM, UNLESS DONE AT A SECURE~~  
11 ~~TRAINING SITE;~~

12           ~~(II) A STRIKE TO A PERSON'S HEAD, NECK, STERNUM, SPINE,~~  
13 ~~GROIN, OR KIDNEYS USING ANY HARD OBJECT;~~

14           ~~(III) A STRIKE TO A PERSON'S HEAD AGAINST A HARD, FIXED~~  
15 ~~OBJECT;~~

16           ~~(IV) A KICK OR STRIKE TO A PERSON'S HEAD USING A KNEE OR~~  
17 ~~FOOT;~~

18           ~~(V) A STRIKE TO A PERSON'S THROAT;~~

19           ~~(VI) A KNEE DROP ON THE HEAD, NECK, OR TORSO OF A PERSON~~  
20 ~~IN A PRONE OR SUPINE POSITION;~~

21           ~~(VII) A MANEUVER THAT RESTRICTS BLOOD OR OXYGEN FLOW TO~~  
22 ~~THE BRAIN, INCLUDING CHOKEHOLDS, STRANGLEHOLDS, NECK RESTRAINTS,~~  
23 ~~NECK HOLDS, AND CAROTID ARTERY RESTRAINTS;~~

24           ~~(VIII) ANY CONTACT WITH THE NECK THAT MAY INHIBIT~~  
25 ~~BREATHING OR BLOOD FLOW, OR THAT APPLIES PRESSURE TO THE FRONT, SIDE, OR~~  
26 ~~BACK OF THE NECK;~~

27           ~~(IX) THE DISCHARGE OF A LESS LETHAL KINETIC IMPACT~~  
28 ~~PROJECTILE LAUNCHER AT A PERSON'S HEAD, NECK, CHEST, OR BACK; AND~~

29           ~~(X) MORE THAN ONE DISCHARGE OF AN ELECTRONIC CONTROL~~  
30 ~~DEVICE ON A PERSON.~~

~~(F) "NECESSARY FORCE" MEANS FORCE SUCH THAT, UNDER THE TOTALITY OF THE CIRCUMSTANCES, THERE IS NO REASONABLE ALTERNATIVE TO THE USE OF THE DEGREE OR LEVEL OF FORCE.~~

~~(G) "PROPORTIONAL" MEANS NOT EXCESSIVE IN RELATION TO A DIRECT AND LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

~~(H) "REASONABLE ALTERNATIVES" MEANS TACTICS AND METHODS USED BY A LAW ENFORCEMENT OFFICER TO EFFECTUATE A STOP, A DETENTION, OR AN ARREST THAT DO NOT INCREASE THE RISK OF PHYSICAL INJURY POSED TO THE LAW ENFORCEMENT OFFICER OR ANOTHER PERSON, INCLUDING:~~

~~(1) VERBAL COMMUNICATION;~~

~~(2) PHYSICAL DISTANCE;~~

~~(3) WARNINGS;~~

~~(4) DE-ESCALATION TACTICS AND TECHNIQUES;~~

~~(5) TACTICAL REPOSITIONING;~~

~~(6) OTHER ACTIONS INTENDED TO STABILIZE A SITUATION AND REDUCE THE IMMEDIACY OF RISK; AND~~

~~(7) AS AN ALTERNATIVE TO LETHAL FORCE, USE OF FORCE THAT IS NOT LETHAL FORCE.~~

~~(I) (1) "TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE FACTS KNOWN TO A LAW ENFORCEMENT OFFICER, OR THAT COULD HAVE BEEN ASCERTAINED BY THE OFFICER THROUGH VISUAL OBSERVATION, TOUCH, OR AUDIBLE MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE OFFICER LEADING UP TO AND AT THE TIME OF THE USE OF FORCE.~~

~~(2) "TOTALITY OF THE CIRCUMSTANCES" INCLUDES:~~

~~(I) ACTIONS OF AND RISK TO A PERSON AGAINST WHOM A LAW ENFORCEMENT OFFICER USES FORCE;~~

~~(II) ACTIONS OF A LAW ENFORCEMENT OFFICER; AND~~

~~(III) RISK TO OTHER PERSONS.~~

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 2 INDICATED.

3 (B) “EXCESSIVE FORCE” MEANS FORCE THAT AN OBJECTIVELY  
 4 REASONABLE LAW ENFORCEMENT OFFICER WOULD CONCLUDE EXCEEDS WHAT IS  
 5 NECESSARY TO GAIN COMPLIANCE, CONTROL A SITUATION, OR PROTECT A LAW  
 6 ENFORCEMENT OFFICER OR OTHERS FROM HARM, UNDER THE TOTALITY OF THE  
 7 CIRCUMSTANCES.

8 (C) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 1-202  
 9 OF THE PUBLIC SAFETY ARTICLE.  
 10 10-802.

11 (A) ~~(1) A LAW ENFORCEMENT OFFICER MAY USE FORCE ONLY: NOT~~  
 12 ~~INTENTIONALLY USE EXCESSIVE FORCE.~~

13 ~~(I) WHEN IT IS NECESSARY FORCE;~~

14 ~~(II) WHEN REASONABLE ALTERNATIVES TO THE USE OF FORCE~~  
 15 ~~HAVE BEEN EXHAUSTED; AND~~

16 ~~(III) UNTIL THE USE OF FORCE HAS ACCOMPLISHED A~~  
 17 ~~LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

18 ~~(2) A LAW ENFORCEMENT OFFICER SHALL:~~

19 ~~(I) IMMEDIATELY MODULATE FORCE AS THE THREAT~~  
 20 ~~DEMINISHES; AND~~

21 ~~(II) CEASE THE USE OF FORCE AS SOON AS:~~

22 ~~1. THE PERSON ON WHOM FORCE IS USED;~~

23 ~~A. IS UNDER THE OFFICER’S CONTROL; OR~~

24 ~~B. NO LONGER POSES AN IMMINENT THREAT OF SERIOUS~~  
 25 ~~PHYSICAL INJURY OR DEATH TO THE OFFICER OR TO ANOTHER PERSON; OR~~

26 ~~2. THE OFFICER DETERMINES THAT FORCE WILL NO~~  
 27 ~~LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL TO~~  
 28 ~~ACCOMPLISH, A LEGITIMATE LAW ENFORCEMENT OBJECTIVE.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LAW ENFORCEMENT OFFICER MAY NOT USE LETHAL FORCE AGAINST A PERSON UNLESS:~~

~~(I) LETHAL NECESSARY FORCE IS USED AS A LAST RESORT TO PREVENT IMMINENT THREAT OF DEATH OR SERIOUS PHYSICAL INJURY TO THE OFFICER OR ANOTHER PERSON;~~

~~(H) THE USE OF LETHAL FORCE PRESENTS NO SUBSTANTIAL RISK OF INJURY TO A THIRD PERSON; AND~~

~~(III) ALL REASONABLE ALTERNATIVES TO THE USE OF LETHAL FORCE HAVE BEEN EXHAUSTED.~~

~~(2) A LAW ENFORCEMENT OFFICER IS NOT JUSTIFIED IN THE USE OF LETHAL FORCE AGAINST A PERSON WHO POSES A DANGER ONLY TO THAT PERSON.~~

~~(C) (1) A LAW ENFORCEMENT OFFICER WHO USES FORCE AGAINST A PERSON IN A MANNER INCONSISTENT WITH THIS SECTION THAT RESULTS IN DEATH MAY BE CHARGED WITH MANSLAUGHTER OR MURDER UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE.~~

~~(2) A LAW ENFORCEMENT OFFICER WHO USES LETHAL FORCE AGAINST A PERSON IN A MANNER INCONSISTENT WITH THIS SECTION THAT DOES NOT RESULT IN DEATH MAY BE CHARGED WITH RECKLESS ENDANGERMENT OR ASSAULT UNDER TITLE 3, SUBTITLE 2 OF THIS ARTICLE.~~

(B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS.

10-803.

~~(A) IN THIS SECTION, "EXCESSIVE FORCE" MEANS PHYSICAL FORCE THAT, UNDER THE TOTALITY OF THE CIRCUMSTANCES, IS OBJECTIVELY UNREASONABLE.~~

~~(B) (A) (1) A LAW ENFORCEMENT OFFICER WHO KNOWS OR REASONABLY SHOULD KNOW THAT ANOTHER LAW ENFORCEMENT OFFICER IS USING EXCESSIVE FORCE, OR INTENDS HAS EXPRESSED AN INTENT TO USE EXCESSIVE FORCE, THAT IS LIKELY TO RESULT IN DEATH OR SERIOUS BODILY INJURY SHALL MAKE A REASONABLE ATTEMPT TO INTERVENE TO TERMINATE OR PREVENT THE OTHER LAW ENFORCEMENT OFFICER'S USE OF EXCESSIVE FORCE.~~

~~(2) A LAW ENFORCEMENT OFFICER WHO KNOWS OR REASONABLY SHOULD KNOW THAT ANOTHER LAW ENFORCEMENT OFFICER HAS USED EXCESSIVE~~



1 ~~FORCE SHALL IMMEDIATELY NOTIFY THE LAW ENFORCEMENT OFFICER'S~~  
2 ~~SUPERVISOR OF THE OTHER LAW ENFORCEMENT OFFICER'S USE OF EXCESSIVE~~  
3 ~~FORCE.~~

4 ~~(c) (B) A POLICE OFFICER~~ LAW ENFORCEMENT OFFICER MAY NOT  
5 KNOWINGLY VIOLATE ~~SUBSECTION (B) OF~~ THIS SECTION.

6 (C) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY  
7 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
8 EXCEEDING 10 YEARS.

9 ~~10-804.~~

10 ~~(A) A LAW ENFORCEMENT OFFICER SHALL PROMPTLY PROVIDE, OR MAKE~~  
11 ~~REASONABLE EFFORTS TO OBTAIN, APPROPRIATE MEDICAL TREATMENT FOR A~~  
12 ~~PERSON INJURED AS A RESULT OF A LAW ENFORCEMENT OFFICER'S USE OF FORCE.~~

13 ~~(B) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER IF,~~  
14 ~~UNDER THE TOTALITY OF THE CIRCUMSTANCES, A REASONABLE LAW~~  
15 ~~ENFORCEMENT OFFICER WOULD BELIEVE PROVIDING OR OBTAINING MEDICAL~~  
16 ~~TREATMENT WOULD BE UNSAFE.~~

17 ~~(C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A LAW~~  
18 ~~ENFORCEMENT OFFICER TO PROVIDE MEDICAL TREATMENT THAT IS INCONSISTENT~~  
19 ~~WITH OR MORE ADVANCED THAN THE TRAINING AND QUALIFICATIONS OF THE LAW~~  
20 ~~ENFORCEMENT OFFICER.~~

21 ~~10-805.~~

22 ~~(A) A LAW ENFORCEMENT OFFICER MAY NOT RECKLESSLY FAIL TO ACT IN~~  
23 ~~ACCORDANCE WITH THIS SUBTITLE.~~

24 ~~(B) A LAW ENFORCEMENT OFFICER MAY NOT KNOWINGLY AND WILLFULLY~~  
25 ~~FAIL TO ACT IN ACCORDANCE WITH THIS SUBTITLE.~~

26 ~~(C) (1) A LAW ENFORCEMENT OFFICER WHO VIOLATES SUBSECTION (A)~~  
27 ~~OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~  
28 ~~TO IMPRISONMENT NOT EXCEEDING 5 YEARS.~~

29 ~~(2) A LAW ENFORCEMENT OFFICER WHO VIOLATES SUBSECTION (B)~~  
30 ~~OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT~~  
31 ~~TO IMPRISONMENT NOT EXCEEDING 10 YEARS.~~

1 (A) A LAW ENFORCEMENT OFFICER MAY NOT INTENTIONALLY REFUSE TO  
 2 PROMPTLY PROVIDE, OR MAKE REASONABLE EFFORTS TO OBTAIN, APPROPRIATE  
 3 MEDICAL TREATMENT FOR A PERSON WHO SUSTAINS A SERIOUS BODILY INJURY AS  
 4 A RESULT OF A LAW ENFORCEMENT OFFICER'S USE OF FORCE.

5 (B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY  
 6 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
 7 EXCEEDING 10 YEARS.

8 10-805.

9 (A) A LAW ENFORCEMENT OFFICER SHALL IMMEDIATELY MAKE A REPORT  
 10 TO ANY SUPERVISORY MEMBER OF A LAW ENFORCEMENT AGENCY, A STATE'S  
 11 ATTORNEY, THE ATTORNEY GENERAL, OR THE STATE PROSECUTOR IF THE LAW  
 12 ENFORCEMENT OFFICER HAS ACTUAL KNOWLEDGE THAT ANOTHER LAW  
 13 ENFORCEMENT OFFICER HAS ENGAGED IN:

14 (1) HOMICIDE, IN VIOLATION OF TITLE 2 OF THIS ARTICLE;

15 (2) THE USE OF EXCESSIVE FORCE RESULTING IN BODILY INJURY;

16 (3) A SEXUAL CRIME, IN VIOLATION OF TITLE 3, SUBTITLE 3 OF THIS  
 17 ARTICLE;

18 (4) THEFT OR A RELATED CRIME, IN VIOLATION OF TITLE 7,  
 19 SUBTITLE 1 OF THIS ARTICLE;

20 (5) PERJURY, IN VIOLATION OF TITLE 9, SUBTITLE 1 OF THIS  
 21 ARTICLE;

22 (6) FRAUD OR A RELATED CRIME, IN VIOLATION OF TITLE 8 OF THIS  
 23 ARTICLE; OR

24 (7) TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE, IN  
 25 VIOLATION OF § 9-307 OF THIS ARTICLE.

26 (B) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY  
 27 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING  
 28 \$10,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

29 Article – Public Safety

30 3-207.

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



- 1                    **(III) SLOWING DOWN THE PACE OF AN INCIDENT;**
- 2                    **(IV) WAITING OUT A SUSPECT;**
- 3                    **(V) CREATING DISTANCE BETWEEN AN OFFICER AND A PERSON;**
- 4                    **(VI) REQUESTING ADDITIONAL RESOURCES TO RESOLVE AN**  
 5 **INCIDENT;**
- 6                    **(VII) ALLOWING A PERSON TO MOVE ABOUT IF IT IS SAFE TO DO**  
 7 **SO; AND**
- 8                    **(VIII) ALLOWING A PERSON THE OPPORTUNITY TO MAKE**  
 9 **STATEMENTS OR ASK QUESTIONS.**

10                   **(3) “LESS-LETHAL FORCE” INCLUDES THE USE OF:**

- 11                    **(I) AN ELECTRONIC CONTROL DEVICE, AS DEFINED IN § 4-109**  
 12 **OF THE CRIMINAL LAW ARTICLE; AND**
- 13                    **(II) CHEMICAL MACE OR PEPPER MACE, AS DEFINED IN § 4-101**  
 14 **OF THE CRIMINAL LAW ARTICLE.**

15                   **(B) Subject to the hearing provisions of subsection (b) of this section, the**  
 16 **Commission may suspend or revoke the certification of a police officer if the police officer:**

- 17                    **(1) violates or fails to meet the Commission’s standards; [or]**
- 18                    **(2) knowingly fails to report suspected child abuse in violation of § 5-704**  
 19 **of the Family Law Article;**
- 20                    **(3) FAILS TO USE DE-ESCALATION AS AN ALTERNATIVE TO USING**  
 21 **PHYSICAL FORCE, UNDER CIRCUMSTANCES IN WHICH DE-ESCALATION DID NOT**  
 22 **INCREASE THE RISK OF PHYSICAL INJURY POSED TO THE LAW ENFORCEMENT**  
 23 **OFFICER OR ANOTHER PERSON; OR**

24                    **(4) MISUSES LESS-LETHAL FORCE AGAINST A MEMBER OF THE**  
 25 **PUBLIC.**

26                   **[(b)] (C) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State**  
 27 **Government Article, before the Commission takes any final action under subsection [(a)]**  
 28 **(B) of this section, the Commission shall give the individual against whom the action is**  
 29 **contemplated an opportunity for a hearing before the Commission.**

1           (2) The Commission shall give notice and hold the hearing in accordance  
2 with Title 10, Subtitle 2 of the State Government Article.

3           **[(c)] (D)** A police officer aggrieved by the findings and order of the Commission  
4 may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

5 **3-523.**

6           (A) IN THIS SECTION, "LOCAL LAW ENFORCEMENT AGENCY" HAS THE  
7 MEANING STATED IN § 3-505 OF THIS SUBTITLE.

8           (B) ON OR BEFORE JULY 1, 2022, IN CONSULTATION WITH THE ~~OFFICE OF~~  
9 ~~THE ATTORNEY GENERAL, IMPACTED PERSONS, COMMUNITIES, AND~~  
10 ~~ORGANIZATIONS, INCLUDING REPRESENTATIVES OF CIVIL AND HUMAN RIGHTS~~  
11 ~~ORGANIZATIONS, VICTIMS OF POLICE VIOLENCE, AND REPRESENTATIVES OF LAW~~  
12 ~~ENFORCEMENT AGENCIES~~ MARYLAND POLICE TRAINING AND STANDARDS  
13 COMMISSION, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL ESTABLISH,  
14 MAINTAIN, AND IMPLEMENT POLICIES AND GUIDANCE FOR LAW ENFORCEMENT  
15 AGENCIES ON:

16           (1) PROHIBITED ACTIONS UNDER ~~§ 10-801~~ TITLE 10, SUBTITLE 8 OF  
17 THE CRIMINAL LAW ARTICLE;

18           (2) PRINCIPLES REGARDING USE OF FORCE, INCLUDING:

19           (I) ENCOURAGING OFFICERS TO RESOLVE INCIDENTS  
20 WITHOUT USING FORCE;

21           (II) USING TACTICS THAT DO NOT ESCALATE AN ENCOUNTER;

22           (III) CONTINUALLY ASSESSING THE CIRCUMSTANCES TO  
23 IMMEDIATELY DECREASE THE LEVEL OF FORCE AND CEASE ALL FORCE AS SOON AS  
24 POSSIBLE;

25           ~~(IV) USING FORCE IN A MANNER THAT AVOIDS UNNECESSARY~~  
26 ~~INJURY OR RISK OF INJURY;~~

27           ~~(V) (IV) ASSESSING WHETHER THE USE OF FORCE IS~~  
28 ~~APPROPRIATE AND NECESSARY;~~

29           ~~(VI) UNLESS A REASONABLE OFFICER WOULD CONSIDER IT TO~~  
30 ~~BE UNSAFE TO DO SO UNDER THE TOTALITY OF THE CIRCUMSTANCES, REQUIRING~~  
31 ~~AN OFFICER TO SELF IDENTIFY AND ISSUE A VERBAL WARNING TO THE PERSON~~  
32 ~~WHOM THE OFFICER SEEKS TO STOP, DETAIL, OR APPREHEND THAT;~~

1                                    ~~1. REQUESTS THAT THE PERSON OBEY THE OFFICER;~~  
 2 ~~AND~~

3                                    ~~2. NOTIFIES THE PERSON THAT THE OFFICER MAY USE~~  
 4 ~~FORCE AGAINST THE PERSON TO EFFECTUATE A STOP, A DETENTION, OR AN ARREST~~  
 5 ~~OF THE PERSON;~~

6                                    1. WHETHER THE USE OF FORCE IS APPROPRIATE;

7                                    2. WHEN AND HOW A LAW ENFORCEMENT OFFICER  
 8 SHOULD SELF-IDENTIFY; AND

9                                    3. WHEN AND HOW A LAW ENFORCEMENT OFFICER  
 10 SHOULD ISSUE WARNINGS TO MEMBERS OF THE PUBLIC THAT THE FAILURE TO OBEY  
 11 THE LAW ENFORCEMENT OFFICER MAY RESULT IN A USE OF FORCE; AND

12                                    ~~(VII)~~ (V) EVALUATING EACH APPLICATION OF FORCE  
 13 INDEPENDENTLY AS A SEPARATE USE OF FORCE, WITH EACH APPLICATION TO BE  
 14 SEPARATELY JUSTIFIED ~~AS LAWFUL;~~

15                                    (3) PROTECTING OFFICERS FROM RETALIATION OR DISCIPLINE FOR:

16                                    (I) INTERVENING TO PREVENT THE IMPROPER USE OF FORCE  
 17 BY ANOTHER OFFICER; AND

18                                    (II) REPORTING THE IMPROPER USE OF FORCE BY ANOTHER  
 19 OFFICER; ~~AND~~

20                                    ~~(4) REQUIRING EACH LAW ENFORCEMENT AGENCY TO DOCUMENT~~  
 21 ~~ALL USES OF FORCE, INVESTIGATE USES OF FORCE, ASSESS WHETHER THE USE OF~~  
 22 ~~FORCE IS NECESSARY AND CONSISTENT WITH STATE LAW, AND REVIEW USE OF~~  
 23 ~~FORCE INVESTIGATIONS.~~

24                                    (4) DOCUMENTING USES OF FORCE AND CONDUCTING  
 25 USE-OF-FORCE INVESTIGATIONS; AND

26                                    (5) PROMPTLY PROVIDING, OR MAKING A REASONABLE EFFORT TO  
 27 OBTAIN, APPROPRIATE MEDICAL TREATMENT FOR A PERSON INJURED AS THE  
 28 RESULT OF A LAW ENFORCEMENT OFFICER'S USE OF FORCE.

29                                    (C) ON OR BEFORE JULY 1, 2022, EACH LOCAL LAW ENFORCEMENT AGENCY  
 30 SHALL INCLUDE IN ITS ANNUAL BUDGET FUNDS FOR:

1           (1) TRAINING AND ASSESSMENT OF TRAINING, INCLUDING TRAINING  
2 ~~ON INTERACTIONS WITH PERSONS WHO ARE:~~

3                   ~~(I) VULNERABLE; AND~~

4                   ~~(II) IN CRISIS WHILE IN POSSESSION OF A KNIFE, AN EDGED~~  
5 ~~WEAPON, OR A BLUNT WEAPON REQUIRED UNDER § 3-207 OF THIS TITLE; AND~~

6           (2) ASSESSING SUPERVISORS IN THE REINFORCEMENT OF TRAINING  
7 OBJECTIVES IN REAL-WORLD SCENARIOS.

8           (D) (1) ON OR BEFORE DECEMBER 31, 2021, AND EVERY 6 MONTHS  
9 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL ~~POST, ON THE~~  
10 ~~PUBLIC WEBSITE FOR THE AGENCY, REPORT TO THE GOVERNOR'S OFFICE OF~~  
11 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES DATA REGARDING USE OF  
12 FORCE THAT RESULTED IN COMPLAINTS, HOSPITALIZATIONS, OR DEATH, BY EACH  
13 OFFICER EMPLOYED BY THE LOCAL LAW ENFORCEMENT AGENCY, DISAGGREGATED  
14 BY THE RACE, AGE, SEX, GENDER, ETHNICITY, COLOR, NATIONAL ORIGIN, RELIGION,  
15 AND DISABILITY, IF KNOWN, OF EACH PERSON ON WHOM FORCE WAS USED,  
16 INCLUDING:

17                   ~~(1)~~ (I) EACH TYPE OF FORCE USED;

18                   ~~(2)~~ (II) THE REASON FORCE WAS USED;

19                   ~~(3)~~ (III) WHETHER THE AGENCY DETERMINED THE USE OF FORCE  
20 WAS JUSTIFIED;

21                   ~~(4)~~ (IV) WHETHER THE PERSON WHO WAS THE SUBJECT OF THE USE  
22 OF FORCE WAS ARRESTED;

23                   ~~(5)~~ (V) WHETHER CRIMINAL CHARGES WERE FILED AGAINST THE  
24 PERSON WHO WAS THE SUBJECT OF THE USE OF FORCE AND WHAT CHARGES WERE  
25 FILED;

26                   ~~(6)~~ (VI) WHETHER THE PERSON WHO WAS THE SUBJECT OF THE USE  
27 OF FORCE WAS INJURED AND, IF SO, WHETHER THE PERSON WAS HOSPITALIZED;

28                   ~~(7)~~ (VII) WHETHER THE LAW ENFORCEMENT OFFICER WHO USED  
29 FORCE WAS INJURED AND, IF SO, WHETHER THE OFFICER WAS HOSPITALIZED; AND

30                   ~~(8)~~ (VIII) THE RACE, AGE, AND SEX OF:

1                    ~~(H)~~ 1. THE LAW ENFORCEMENT OFFICER WHO USED FORCE;  
2 AND

3                    ~~(H)~~ 2. THE PERSON WHO WAS THE SUBJECT OF THE USE OF  
4 FORCE.

5                    (2) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND  
6 VICTIM SERVICES SHALL ANALYZE AND SUMMARIZE THE REPORTS OF THE LAW  
7 ENFORCEMENT AGENCIES SUBMITTED UNDER PARAGRAPH (1) OF THIS  
8 SUBSECTION.

9                    (3) (I) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR'S  
10 OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL:

11                                    1. SUBMIT A REPORT OF THE ANALYSIS AND SUMMARIES  
12 OF THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1)  
13 OF THIS SUBSECTION TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY, AND,  
14 SUBJECT TO § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL  
15 ASSEMBLY; AND

16                                    2. PUBLISH THE REPORT ON ITS WEBSITE.

17                                    (II) THE REPORT PUBLISHED UNDER THIS PARAGRAPH MAY  
18 NOT INCLUDE ANY INFORMATION THAT REVEALS THE IDENTITY OF AN INDIVIDUAL.

19                                    (III) 1. IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY  
20 WITH THE REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF  
21 CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL REPORT THE  
22 NONCOMPLIANCE TO THE MARYLAND POLICE TRAINING AND STANDARDS  
23 COMMISSION.

24                                    2. SUBJECT TO THE PROCEDURES FOR  
25 NONCOMPLIANCE UNDER SUBSECTION (E)(2) OF THIS SECTION, ON RECEIPT OF A  
26 REPORT OF NONCOMPLIANCE, THE MARYLAND POLICE TRAINING AND STANDARDS  
27 COMMISSION SHALL CONTACT THE LAW ENFORCEMENT AGENCY AND REQUEST  
28 THAT THE AGENCY COMPLY WITH THE REQUIRED REPORTING PROVISIONS.

29                    (4) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND  
30 VICTIM SERVICES SHALL DEVELOP A STANDARD FORM FOR REPORTING DATA  
31 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

32                    (E) (1) ON OR BEFORE DECEMBER 31, 2021, AND EACH DECEMBER 31  
33 THEREAFTER, THE ~~ATTORNEY GENERAL~~ MARYLAND POLICE TRAINING AND  
34 STANDARDS COMMISSION SHALL REVIEW A REPRESENTATIVE SAMPLE OF THE



1 POLICIES ENACTED BY LOCAL LAW ENFORCEMENT AGENCIES RELATING TO USE OF  
2 FORCE AND THE INTERNAL FILES OF LAW ENFORCEMENT AGENCIES TO DETERMINE  
3 COMPLIANCE WITH THIS SECTION.

4 (2) ~~IF THE ATTORNEY GENERAL~~ MARYLAND POLICE TRAINING AND  
5 STANDARDS COMMISSION DETERMINES THAT A LOCAL LAW ENFORCEMENT AGENCY  
6 HAS NOT COMPLIED WITH THIS SECTION, THE MARYLAND POLICE TRAINING AND  
7 STANDARDS COMMISSION SHALL CONTACT THE LOCAL LAW ENFORCEMENT  
8 AGENCY TO REQUEST THAT THE LOCAL LAW ENFORCEMENT AGENCY COMPLY WITH  
9 THIS SECTION WITHIN 90 DAYS.

10 (3) IF THE LOCAL LAW ENFORCEMENT AGENCY DOES NOT COMPLY  
11 WITH THIS SECTION WITHIN 90 DAYS AFTER BEING CONTACTED BY THE MARYLAND  
12 POLICE TRAINING AND STANDARDS COMMISSION:

13 (I) ~~THE ATTORNEY GENERAL~~ MARYLAND POLICE TRAINING  
14 AND STANDARDS COMMISSION SHALL NOTIFY THE EXECUTIVE DIRECTOR OF THE  
15 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES AND  
16 THE COMPTROLLER; AND

17 (II) THE LOCAL LAW ENFORCEMENT AGENCY MAY NOT RECEIVE  
18 FUNDS ADMINISTERED THROUGH THE STATE AID FOR POLICE PROTECTION FUND  
19 UNDER TITLE 4, SUBTITLE 5 OF THIS ARTICLE.

20 SUBTITLE 8. WHISTLEBLOWER PROTECTIONS.

21 3-801.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
23 INDICATED.

24 (B) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101  
25 OF THIS TITLE.

26 (C) "RETALIATORY ACTION" INCLUDES ANY RECOMMENDED, THREATENED,  
27 OR ACTUAL ADVERSE EMPLOYMENT ACTION, INCLUDING:

28 (1) TERMINATION, DEMOTION, SUSPENSION, OR REPRIMAND;

29 (2) INVOLUNTARY TRANSFER, REASSIGNMENT, OR DETAIL TO AN  
30 ASSIGNMENT THAT A REASONABLE LAW ENFORCEMENT OFFICER WOULD FIND LESS  
31 FAVORABLE;

1           **(3) FAILURE TO PROMOTE, HIRE, OR TAKE OTHER FAVORABLE**  
2 **PERSONNEL ACTION;**

3           **(4) ENGAGING IN ANY CONDUCT THAT WOULD DISSUADE A**  
4 **REASONABLE LAW ENFORCEMENT OFFICER FROM ENGAGING IN ACTIVITIES**  
5 **PROTECTED UNDER THIS SUBTITLE; AND**

6           **(5) RETALIATING IN ANY OTHER MANNER AGAINST A LAW**  
7 **ENFORCEMENT OFFICER BECAUSE THE LAW ENFORCEMENT OFFICER MAKES A**  
8 **DISCLOSURE PROTECTED UNDER THIS SUBTITLE.**

9 **3-802.**

10           **(A) THIS SUBTITLE DOES NOT PRECLUDE AN ACTION FOR DEFAMATION OR**  
11 **INVASION OF PRIVACY.**

12           **(B) THIS SUBTITLE DOES NOT PROHIBIT A PERSONNEL ACTION THAT**  
13 **WOULD HAVE BEEN TAKEN REGARDLESS OF A DISCLOSURE OF INFORMATION.**

14 **3-803.**

15           **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A SUPERVISOR, AN**  
16 **APPOINTING AUTHORITY, OR THE HEAD OF A LAW ENFORCEMENT AGENCY MAY NOT**  
17 **THREATEN OR TAKE A RETALIATORY ACTION AGAINST A LAW ENFORCEMENT**  
18 **OFFICER WHO:**

19           **(1) DISCLOSES INFORMATION THAT THE LAW ENFORCEMENT**  
20 **OFFICER REASONABLY BELIEVES EVIDENCES:**

21                   **(I) AN ABUSE OF AUTHORITY, GROSS MISMANAGEMENT, OR A**  
22 **GROSS WASTE OF MONEY;**

23                   **(II) A SUBSTANTIAL AND SPECIFIC DANGER TO PUBLIC HEALTH**  
24 **OR SAFETY; OR**

25                   **(III) A VIOLATION OF LAW; OR**

26           **(2) FOLLOWING A DISCLOSURE UNDER ITEM (1) OF THIS SUBSECTION,**  
27 **SEEKS A REMEDY PROVIDED UNDER THIS SUBTITLE OR ANY OTHER LAW OR POLICY**  
28 **GOVERNING THE LAW ENFORCEMENT AGENCY.**

29           **(B) SUBSECTION (A) OF THIS SECTION APPLIES TO A DISCLOSURE THAT IS**  
30 **OTHERWISE PROHIBITED BY LAW, A DISCLOSURE OF INFORMATION THAT IS**  
31 **CONFIDENTIAL BY LAW, OR A DISCLOSURE OF INFORMATION THAT A LAW**

1 ENFORCEMENT OFFICER KNEW OR REASONABLY SHOULD HAVE KNOWN WOULD  
2 IMPEDE OR WAS LIKELY TO IMPEDE AN INVESTIGATION ONLY IF THE DISCLOSURE:

3 (1) IS MADE EXCLUSIVELY TO THE ATTORNEY GENERAL;

4 (2) IS IN WRITING; AND

5 (3) CONTAINS:

6 (I) THE DATE OF THE DISCLOSURE;

7 (II) THE NAME OF THE LAW ENFORCEMENT OFFICER MAKING  
8 THE DISCLOSURE;

9 (III) THE NATURE OF THE ALLEGED VIOLATION OF LAW, ABUSE  
10 OF AUTHORITY, MISMANAGEMENT, WASTE OF MONEY, OR DANGER; AND

11 (IV) IF POSSIBLE, THE DATE OR RANGE OF DATES ON WHICH THE  
12 ALLEGED VIOLATION OF LAW, ABUSE OF AUTHORITY, MISMANAGEMENT, WASTE OF  
13 MONEY, OR DANGER OCCURRED.

14 3-804.

15 (A) A LAW ENFORCEMENT OFFICER AGGRIEVED BY A VIOLATION OF § 3-803  
16 OF THIS SUBTITLE MAY BRING A CIVIL ACTION AGAINST THE LAW ENFORCEMENT  
17 AGENCY FOR EQUITABLE RELIEF OR DAMAGES.

18 (B) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS SECTION,  
19 IF THE LAW ENFORCEMENT OFFICER DEMONSTRATES BY A PREPONDERANCE OF  
20 THE EVIDENCE THAT THE DISCLOSURE OF INFORMATION WAS A CONTRIBUTING  
21 FACTOR IN THE ALLEGED RETALIATORY ACTION AGAINST THE LAW ENFORCEMENT  
22 OFFICER, THE LAW ENFORCEMENT AGENCY HAS THE BURDEN OF PROVING BY  
23 CLEAR AND CONVINCING EVIDENCE THAT THE PERSONNEL ACTION WOULD HAVE  
24 OCCURRED FOR LEGITIMATE REASONS EVEN IF THE LAW ENFORCEMENT OFFICER  
25 HAD NOT MADE THE DISCLOSURE.

26 (C) (1) IN A CIVIL ACTION BROUGHT UNDER SUBSECTION (A) OF THIS  
27 SECTION, THE LAW ENFORCEMENT OFFICER MAY SEEK, INSTEAD OF  
28 REINSTATEMENT AND BACK PAY, STATUTORY DAMAGES IN THE AMOUNT OF NOT  
29 LESS THAN \$5,000 FOR EACH INSTANCE OF RETALIATORY ACTION.

30 (2) IN AWARDING STATUTORY DAMAGES UNDER PARAGRAPH (1) OF  
31 THIS SUBSECTION, THE TRIER OF FACT SHALL CONSIDER THE SEVERITY OF THE  
32 PROHIBITED RETALIATORY ACTION AND THE PURPOSES OF THIS SUBTITLE.

1        (D) IF THE TRIER OF FACT DETERMINES THAT THE LAW ENFORCEMENT  
2 OFFICER IS ENTITLED TO EQUITABLE RELIEF OR DAMAGES IN A CIVIL ACTION  
3 BROUGHT UNDER THIS SECTION, THE COURT MAY:

4            (1) ORDER THE REMOVAL OF ANY RELATED DETRIMENTAL  
5 INFORMATION FROM THE LAW ENFORCEMENT OFFICER'S PERSONNEL RECORDS;

6            (2) (I) ORDER THE LAW ENFORCEMENT AGENCY TO REINSTATE  
7 THE LAW ENFORCEMENT OFFICER TO THE SAME OR EQUIVALENT EMPLOYMENT  
8 WITH ANY APPLICABLE BENEFITS AND SENIORITY RIGHTS; OR

9            (II) AWARD THE LAW ENFORCEMENT OFFICER STATUTORY  
10 DAMAGES UNDER SUBSECTION (C) OF THIS SECTION; AND

11           (3) AWARD THE LAW ENFORCEMENT OFFICER:

12                (I) COMPENSATION FOR ALL LOST REMUNERATION; AND

13                (II) REASONABLE ATTORNEY'S FEES AND COSTS.

14        (E) IN ADDITION TO THE RELIEF GRANTED UNDER SUBSECTION (D) OF THIS  
15 SECTION, THE COURT SHALL ISSUE AGAINST THE LAW ENFORCEMENT AGENCY AN  
16 INJUNCTION AGAINST ANY CONTINUING VIOLATIONS OF THIS SUBTITLE.

17        (F) IF THE COURT DETERMINES THAT A CIVIL ACTION UNDER SUBSECTION  
18 (A) OF THIS SECTION WAS BROUGHT BY A LAW ENFORCEMENT OFFICER IN BAD FAITH  
19 OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY AWARD REASONABLE  
20 ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES TO THE LAW ENFORCEMENT  
21 AGENCY.

22        (G) THIS SECTION MAY NOT BE CONSTRUED TO DIMINISH THE RIGHTS,  
23 PRIVILEGES, OR REMEDIES OF A LAW ENFORCEMENT OFFICER PROVIDED UNDER  
24 ANY FEDERAL, STATE, OR LOCAL LAW OR UNDER A COLLECTIVE BARGAINING  
25 AGREEMENT.

26 3-805.

27        FOR PURPOSES OF THIS SUBTITLE, THE ATTORNEY GENERAL SHALL:

28            (1) DESIGNATE AN ASSISTANT ATTORNEY GENERAL TO RECEIVE  
29 FROM LAW ENFORCEMENT OFFICERS ANY INFORMATION THE DISCLOSURE OF  
30 WHICH IS OTHERWISE PROTECTED BY LAW;

1                   **(2) INVESTIGATE EACH ALLEGATION OF ILLEGALITY OR**  
2 **IMPROPRIETY; AND**

3                   **(3) TAKE APPROPRIATE LEGAL ACTION.**

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
5 apply only prospectively and may not be applied or interpreted to have any effect on or  
6 application to any cause of action arising before the effective date of this Act.

7           SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2021.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.