

Chapter 366

(Senate Bill 752)

AN ACT concerning

Baltimore City – Police Officers – Promotional Appointments

FOR the purpose of altering the procedures used by the Police Commissioner of Baltimore City to award promotional appointments; authorizing the Commissioner to remove certain applicants from the list of eligible appointees if the Civilian Review Board or the Baltimore City Police Department's Disciplinary Review Committee has sustained a certain complaint against the applicant during a certain time period; and generally relating to promotional appointments for police officers in Baltimore City.

BY repealing and reenacting, with amendments,

The Public Local Laws of Baltimore City

Section 16–10(c)

Article 4 – Public Local Laws of Maryland

(1979 Edition and 1997 Supplement and 2000 Supplement, as amended)

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

Article 4 – Baltimore City

16–10.

(c) Those applicants for promotional appointments within the department who possess the minimum qualifications and meet the other eligibility criteria established by the Commissioner after consultation with the examining authority, as determined by the tests and procedures administered pursuant to subsection (a) shall be included on an eligible list prepared by the examining authority setting forth the names of the successful applicants listed in order from the highest to lowest qualifying score.

When making a promotional appointment within the department, the Commissioner shall be required to make such appointment from those applicants who place within the top or highest ~~[five]~~ ~~TWENTY~~ **25% OF THE** positions on the eligible list, **WHICH SHALL BE CALCULATED BY DETERMINING 25% OF THE TOTAL NUMBER OF POSITIONS ON THE LIST, ROUNDED DOWN TO THE NEAREST WHOLE INTEGER. THE TOP OR HIGHEST POSITIONS SHALL BE CALCULATED ON THE ISSUANCE OF EACH NEW PROMOTIONAL LIST, AND SHALL REMAIN FIXED FOR THE LIFE OF THAT LIST.** When an applicant is so appointed, the Commissioner shall be required to fill the next vacancy in the department, if any, from a list of applicants composed of the **TOP OR HIGHEST** remaining and available ~~[four]~~ ~~NINETEEN~~ highest candidates on such list, ~~plus the next or [sixth] TWENTY-FIRST~~ highest scoring available applicant appearing on the eligible list.

The procedure herein established for promotional appointment within the department shall be known and designated as the “Rule of [Five] ~~TWENTY~~ 25%” and all subsequent promotional appointments shall be made only in accordance with this procedure until the eligible list is exhausted by such appointments.

No such list, or where the list consists of a combination of more than one eligible list, no part of such list, shall continue in force for longer than one year, unless extended upon request of the Commissioner by the examining authority, but in no event for more than two years, dating from the time that such list was first established.

The Commissioner shall not be empowered to remove the name of an applicant from the list for any reason, except if the applicant is no longer available **OR IF, BETWEEN THE TIME THE APPLICANT APPLIED FOR THE PROMOTION AND THE TIME IN WHICH THE APPLICANT IS TO BE SELECTED FOR THE PROMOTION, A MISCONDUCT COMPLAINT FOR WHICH THE PUNISHMENT COULD BE TERMINATION IF FOUND GUILTY HAS BEEN SUSTAINED BY THE BOARD OR THE DEPARTMENT’S DISCIPLINARY REVIEW COMMITTEE AGAINST THE APPLICANT.**

The eligibility lists shall at all times be open to the inspection of the public, and the examination papers and other material used in determining an applicant’s eligibility shall be open to inspection of the Commissioner (or his designated representative) or the applicant for promotion.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.