

**HB0991/953322/1**

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 991  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “**Board**” insert “**and Police Accountability Board**”; strike beginning with “authorizing” in line 4 down through “board” in line 5 and substitute “altering the powers and duties of the Baltimore City police accountability board; repealing the Baltimore City Civilian Review Board”; in line 6, after “Board” insert “and the police accountability board”; in line 9, strike “ , 16–44, and 16–46”; in line 13, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 15, strike “16–43(f), 16–48, and 16–52” and substitute “16–56”; and strike in their entirety lines 18 through 23, inclusive, and substitute:

“BY repealing

The Public Local Laws of Baltimore City

Section 16–41 through 16–54

Article 4 – Public Local Laws of Maryland

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

(As enacted by Chapter 499 of the Acts of the General Assembly of 2006)”.

AMENDMENT NO. 2

On page 2, in line 9, strike “Jurisdiction” and substitute “**SUBJECT TO SUBSECTION (C) OF THIS SECTION, JURISDICTION**”; strike in their entirety lines 14 through 16, inclusive, and substitute:

**“(C) (1) (I) THE BOARD MAY EXERCISE CONCURRENT JURISDICTION WITH THE POLICE INTEGRITY BUREAU IN THE INVESTIGATION OF COMPLAINTS THE BOARD CONSIDERS APPROPRIATE.**

(II) THE BOARD SHALL REPORT ITS FINDINGS TO THE POLICE INTEGRITY BUREAU.

(2) THE BOARD MAY NOT EXERCISE JURISDICTION OVER MATTERS WITHIN THE JURISDICTION OF AN ADMINISTRATIVE CHARGING COMMITTEE ESTABLISHED IN ACCORDANCE WITH § 3-104 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.

(D) (1) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIR OF THE BOARD, TO COMPEL:

(I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER THAN THE ACCUSED OFFICER; AND

(II) THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER DOCUMENT.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.”;

in lines 17, 19, and 22, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(G)”, respectively; and after line 23, insert:

“(H) (1) THE ANNUAL BUDGET FOR BALTIMORE CITY SHALL INCLUDE AN APPROPRIATION TO FUND THE BALTIMORE CITY CIVILIAN REVIEW BOARD THAT IS NOT LESS THAN \$1,500,000.

**(2) THE BALTIMORE CITY CIVILIAN REVIEW BOARD MAY USE THE FUNDS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR:**

**(I) EMPLOYING STAFF AND INVESTIGATORS;**

**(II) HIRING OR CONTRACTING FOR LEGAL COUNSEL, SUBJECT TO A MEMORANDUM OF UNDERSTANDING WITH THE CITY SOLICITOR FOR BALTIMORE CITY; AND**

**(III) ANY OTHER EXPENDITURE APPROVED BY A QUORUM OF THE BALTIMORE CITY CIVILIAN REVIEW BOARD.”.**

On pages 2 through 7, strike in their entirety the lines beginning with line 24 on page 2 through line 15 on page 7, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article 4 – Baltimore City**

**16–56.**

**(A) IN THIS SECTION, “BOARD” MEANS A POLICE ACCOUNTABILITY BOARD ESTABLISHED UNDER § 3–102 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.**

**(B) THE BOARD MAY NOT EXERCISE JURISDICTION OVER MATTERS WITHIN THE JURISDICTION OF AN ADMINISTRATIVE CHARGING COMMITTEE ESTABLISHED IN ACCORDANCE WITH § 3–104 OF THE PUBLIC SAFETY ARTICLE OF THE ANNOTATED CODE.**

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(C) A LAW ENFORCEMENT AGENCY SHALL PLACE POSTERS IN EACH STATION OF THE LAW ENFORCEMENT AGENCY AND ELSEWHERE THROUGHOUT THE CITY TO EXPLAIN THE PROCEDURE FOR FILING A COMPLAINT WITH THE BOARD AGAINST A LAW ENFORCEMENT OFFICER.

(D) AN EXPLANATION OF THE COMPLAINT PROCEDURES FOR THE BOARD SHALL BE:

(1) MADE TO ALL POLICE OFFICERS IN A GENERAL ORDER TO BE INCLUDED IN THE MANUAL OF RULES AND PROCEDURES OF THE LAW ENFORCEMENT AGENCY; AND

(2) INCLUDED IN THE TRAINING PROGRAM FOR NEW POLICE OFFICERS.

(E) EACH MEMBER OF THE BOARD SHALL RECEIVE TRAINING ON THE ISSUES OF ABUSIVE LANGUAGE, FALSE ARREST, FALSE IMPRISONMENT, HARASSMENT, AND EXCESSIVE FORCE.

(F) (1) THE BOARD MAY ISSUE A SUBPOENA, SIGNED BY THE CHAIR OF THE BOARD, TO COMPEL:

(I) THE ATTENDANCE AND TESTIMONY OF A WITNESS OTHER THAN THE ACCUSED OFFICER; AND

(II) THE PRODUCTION OF ANY BOOK, RECORD, OR OTHER DOCUMENT.

**(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.**

On page 7, in line 16, strike “**(5)**” and substitute “**(G)**”; in the same line, strike “**(I)**” and substitute “**(1)**”; strike beginning with “**BALTIMORE**” in line 17 down through “**BOARD**” in line 18 and substitute “**BOARD**”; strike beginning with “**2%**” in line 18 down through “**DEPARTMENT**” in line 19 and substitute “**\$1,500,000**”; in line 20, strike “**(II)**” and substitute “**(2)**”; in lines 20 and 25, in each instance, strike “**BALTIMORE CITY CIVILIAN REVIEW BOARD**” and substitute “**BOARD**”; in line 21, strike “**SUBPARAGRAPH (I) OF THIS PARAGRAPH**” and substitute “**PARAGRAPH (1) OF THIS SUBSECTION**”; in lines 22, 23, and 24, strike “**1.**”, “**2.**”, and “**3.**”, respectively, and substitute “**(I)**”, “**(II)**”, and “**(III)**”, respectively; in line 23, after “**COUNSEL**” insert “**, SUBJECT TO A MEMORANDUM OF UNDERSTANDING WITH THE CITY SOLICITOR FOR BALTIMORE CITY**”; after line 25, insert:

**“SECTION 3. AND BE IT FURTHER ENACTED, That:**

**(a) On or before July 31, 2022:**

**(1) the City Solicitor for Baltimore City shall execute a memorandum of understanding with the Baltimore City Civilian Review Board and the subsequent police accountability board for Baltimore City agreeing to the right of each of the boards to hire independent counsel;**

**(2) the City Solicitor for Baltimore City, the Baltimore City Civilian Review Board, and the police accountability board established under § 1–302 of the Public Safety Article of the Annotated Code of Maryland shall execute a memorandum of understanding to accommodate the complete transition of the duties and**

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responsibilities of the Civilian Review Board to the police accountability board on or before April 1, 2023.

(b) The memorandum of understanding entered into under subsection (a)(2) of this section shall include agreements relating to the transition of:

(1) all appropriations, including State and federal funds, held by the Baltimore City Civilian Review Board to carry out the functions, programs, and services transferred under this Act;

(2) the transfer of employees to the police accountability board for Baltimore City without diminution of their rights, benefits, employment, or retirement status; and

(3) except as otherwise provided by law, the continuation of the application of existing laws, regulations, proposed regulations, standards and guides, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with the functions of the Baltimore City Civilian Review Board to the police accountability board.

SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this Act, Section(s) 16-41 through 16-54 of Article 4 – Baltimore City of the Code of Public Local Laws of Maryland be repealed.

SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this Act, the Baltimore City Civilian Review Board is hereby abolished and the police accountability board for Baltimore City created under this Act shall be the successor of the Baltimore City Civilian Review Board.

SECTION 6. AND BE IT FURTHER ENACTED, That, subject to Section 7 of this Act, the publisher of the Public Local Laws of Maryland, in consultation with and subject

to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2022 that affects provisions enacted by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 7. AND BE IT FURTHER ENACTED, That Sections 4, 5, and 6 of this Act shall take effect April 1, 2023. On the taking effect of Sections 4, 5, and 6 of this Act, Section 1 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”;

in line 26, strike “2.” and substitute “8.”; and in the same line, after “That” insert “, subject to Section 7 of this Act.”.