

# HOUSE BILL 162

E4

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(PRE-FILED)

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By: **Delegate J. Lewis**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Law Enforcement – Body-Worn Cameras**

3 FOR the purpose of requiring and authorizing the Maryland Police Training and Standards  
4 Commission to take certain actions relating to body-worn cameras, including adding  
5 certain misconduct to a certain disciplinary matrix, adopting certain policies,  
6 providing certain training, and conducting certain audits; requiring certain law  
7 enforcement agencies in the State to require the use of body-worn cameras by certain  
8 law enforcement officers on or before a certain date and adopt certain policies  
9 relating to disclosure of recordings and data; requiring the Department of Public  
10 Safety and Correctional Services, in coordination with the Department of  
11 Information Technology and the Commission, to negotiate certain contracts for  
12 certain law enforcement agencies and to establish and administer a certain  
13 statewide uniform storage and access system for certain body-worn camera data;  
14 requiring the Department of Public Safety and Correctional Services to be  
15 responsible for certain costs and expenses related to the use of body-worn cameras  
16 by certain law enforcement agencies; authorizing the Commission to request that the  
17 Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim  
18 Services condition certain funding on certain action by a certain law enforcement  
19 agency; and generally relating to law enforcement and body-worn cameras.

20 BY repealing and reenacting, without amendments,

21 Article – Public Safety

22 Section 3-101

23 Annotated Code of Maryland

24 (2018 Replacement Volume and 2021 Supplement)

25 (As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

26 BY repealing and reenacting, with amendments,

27 Article – Public Safety

28 Section 3-105

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2018 Replacement Volume and 2021 Supplement)  
3 (As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

4 BY repealing and reenacting, without amendments,  
5 Article – Public Safety  
6 Section 3–201(a) and (d)  
7 Annotated Code of Maryland  
8 (2018 Replacement Volume and 2021 Supplement)

9 BY repealing and reenacting, with amendments,  
10 Article – Public Safety  
11 Section 3–511  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2021 Supplement)  
14 (As enacted by Chapter 60 of the Acts of the General Assembly of 2021)

15 BY adding to  
16 Article – Public Safety  
17 Section 3–511.1 through 3–511.6  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2021 Supplement)

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

22 **Article – Public Safety**

23 3–101.

24 (a) In this title the following words have the meanings indicated.

25 (b) “Administratively charged” means that a police officer has been formally  
26 accused of misconduct in an administrative proceeding.

27 (c) “Disciplinary matrix” means a written, consistent, progressive, and  
28 transparent tool or rubric that provides ranges of disciplinary actions for different types of  
29 misconduct.

30 (d) “Exonerated” means that a police officer acted in accordance with the law and  
31 agency policy.

32 (e) “Law enforcement agency” has the meaning stated in § 3–201 of this title.

33 (f) “Not administratively charged” means that a determination has been made  
34 not to administratively charge a police officer in connection with alleged misconduct.

1 (g) "Police misconduct" means a pattern, a practice, or conduct by a police officer  
2 or law enforcement agency that includes:

3 (1) depriving persons of rights protected by the constitution or laws of the  
4 State or the United States;

5 (2) a violation of a criminal statute; and

6 (3) a violation of law enforcement agency standards and policies.

7 (h) "Police officer" has the meaning stated in § 3–201 of this title.

8 (i) "Serious physical injury" has the meaning stated in § 3–201 of the Criminal  
9 Law Article.

10 (j) "Superior governmental authority" means the governing body that oversees a  
11 law enforcement agency.

12 (k) "Unfounded" means that the allegations against a police officer are not  
13 supported by fact.

14 3–105.

15 (a) **(1)** The Maryland Police Training and Standards Commission shall  
16 develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law  
17 enforcement agency in the State.

18 **(2) THE MODEL UNIFORM DISCIPLINARY MATRIX DEVELOPED UNDER**  
19 **PARAGRAPH (1) OF THIS SUBSECTION SHALL ADDRESS MISCONDUCT RELATED TO**  
20 **THE IMPROPER USE OF BODY–WORN CAMERAS, EQUIPMENT, AND TECHNOLOGY.**

21 (b) Each law enforcement agency shall adopt the uniform State disciplinary  
22 matrix.

23 (c) (1) Within 15 days after an administrative charging committee issues an  
24 administrative charge against a police officer, the chief of the law enforcement agency shall  
25 offer discipline to the police officer who has been administratively charged in accordance  
26 with the disciplinary matrix.

27 (2) The chief may offer the same discipline that was recommended by the  
28 administrative charging committee or a higher degree of discipline within the applicable  
29 range of the disciplinary matrix, but may not deviate below the discipline recommended by  
30 the administrative charging committee.

31 (3) If the police officer accepts the chief's offer of discipline, then the offered  
32 discipline shall be imposed.

1 (4) If the police officer does not accept the chief's offer of discipline, then  
2 the matter shall be referred to a trial board.

3 (5) At least 30 days before a trial board proceeding begins, the police officer  
4 shall be:

5 (i) provided a copy of the investigatory record;

6 (ii) notified of the charges against the police officer; and

7 (iii) notified of the disciplinary action being recommended.

8 3–201.

9 (a) In this subtitle the following words have the meanings indicated.

10 (d) (1) “Law enforcement agency” means a governmental police force, sheriff’s  
11 office, or security force or law enforcement organization of the State, a county, or a  
12 municipal corporation that by statute, ordinance, or common law is authorized to enforce  
13 the general criminal laws of the State.

14 (2) “Law enforcement agency” does not include members of the Maryland  
15 National Guard who:

16 (i) are under the control and jurisdiction of the Military  
17 Department;

18 (ii) are assigned to the military property designated as the Martin  
19 State Airport; and

20 (iii) are charged with exercising police powers in and for the Martin  
21 State Airport.

22 3–511.

23 (a) In this section, “law enforcement agency” has the meaning stated in § 3–201  
24 of this title.

25 (b) On or before January 1, 2016, the Maryland Police Training and Standards  
26 Commission shall develop and publish online a policy for the issuance and use of a  
27 body–worn camera by a law enforcement officer that addresses:

28 (1) the testing of body–worn cameras to ensure adequate functioning;

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

- 1 (3) when recording is mandatory;
- 2 (4) when recording is prohibited;
- 3 (5) when recording is discretionary;
- 4 (6) when recording may require consent of a subject being recorded;
- 5 (7) when a recording may be ended;
- 6 (8) providing notice of recording;
- 7 (9) access to and confidentiality of recordings;
- 8 (10) the secure storage of data from a body-worn camera;
- 9 (11) review and use of recordings;
- 10 (12) retention of recordings;
- 11 (13) dissemination and release of recordings;
- 12 (14) consequences for violations of the agency's body-worn camera policy;
- 13 (15) notification requirements when another individual becomes a party to  
14 the communication following the initial notification;
- 15 (16) specific protections for individuals when there is an expectation of  
16 privacy in private or public places; and
- 17 (17) any additional issues determined to be relevant in the implementation  
18 and use of body-worn cameras by law enforcement officers.

19 (c) (1) (i) This paragraph applies to:

- 20 1. the Department of State Police;
- 21 2. the Anne Arundel County Police Department;
- 22 3. the Howard County Police Department; and
- 23 4. the Harford County Sheriff's Office.

24 (ii) On or before July 1, 2023, a law enforcement agency to which this  
25 paragraph applies shall require the use of body-worn cameras, subject to the policy on the  
26 use of body-worn cameras developed by the law enforcement agency, by each law  
27 enforcement officer employed by the law enforcement agency who regularly interacts with

1 members of the public as part of the law enforcement officer's official duties.

2 (2) On or before July 1, 2025, [a] ALL law enforcement [agency of a county]  
3 AGENCIES, other than a law enforcement agency described in paragraph (1) of this  
4 subsection, shall require the use of body-worn cameras, subject to the policy on the use of  
5 body-worn cameras developed by the law enforcement agency, by each law enforcement  
6 officer employed by the law enforcement agency who regularly interacts with members of  
7 the public as part of the law enforcement officer's official duties.

8 (d) (1) A law enforcement agency described in subsection (c) of this section  
9 shall develop and maintain a written policy consistent with the policy published by the  
10 Maryland Police Training and Standards Commission under subsection (b) of this section  
11 for the use of body-worn cameras.

12 (2) A policy developed and maintained under paragraph (1) of this  
13 subsection shall specify which law enforcement officers employed by the law enforcement  
14 agency are required to use body-worn cameras.

15 (e) A body-worn camera that possesses the requisite technological capability  
16 shall automatically record and save at least 60 seconds of video footage immediately prior  
17 to the officer activating the record button on the device.

18 (f) A law enforcement agency may not negate or alter any of the requirements or  
19 policies established in accordance with this section through collective bargaining.

20 **(G) (1) THE MARYLAND POLICE TRAINING AND STANDARDS**  
21 **COMMISSION MAY PROVIDE TRAINING TO LAW ENFORCEMENT OFFICERS AND LAW**  
22 **ENFORCEMENT AGENCY EMPLOYEES REGARDING BODY-WORN CAMERA POLICIES**  
23 **AND THE USE OF BODY-WORN CAMERAS, EQUIPMENT, AND TECHNOLOGY.**

24 **(2) THE TRAINING PROVIDED BY THE MARYLAND POLICE TRAINING**  
25 **AND STANDARDS COMMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY**  
26 **BE IN COORDINATION WITH ANY TRAINING OFFERED BY THE PROVIDER OR**  
27 **MANUFACTURER OF THE BODY-WORN CAMERAS, EQUIPMENT, OR TECHNOLOGY.**

28 **(H) ALL BODY-WORN CAMERAS, EQUIPMENT, AND TECHNOLOGY USED BY**  
29 **LAW ENFORCEMENT OFFICERS SHALL BE INTEGRATED INTO THE STATEWIDE**  
30 **UNIFORM STORAGE AND ACCESS SYSTEM UNDER § 3-511.2 OF THIS SUBTITLE.**

31 **3-511.1.**

32 **(A) (1) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**  
33 **SERVICES, IN COORDINATION WITH THE DEPARTMENT OF INFORMATION**  
34 **TECHNOLOGY AND THE MARYLAND POLICE TRAINING AND STANDARDS**  
35 **COMMISSION, SHALL NEGOTIATE CONTRACTS TO ACQUIRE BODY-WORN CAMERAS,**

1 EQUIPMENT, AND TECHNOLOGY FOR ALL LAW ENFORCEMENT AGENCIES UNDER §  
2 3-511 OF THIS SUBTITLE.

3 (2) THE CONTRACTS NEGOTIATED UNDER PARAGRAPH (1) OF THIS  
4 SUBSECTION SHALL INCLUDE CONTRACTS FOR:

5 (I) BODY-WORN CAMERAS;

6 (II) A STATEWIDE UNIFORM STORAGE AND ACCESS SYSTEM FOR  
7 BODY-WORN CAMERA DATA; AND

8 (III) ANY RELATED EQUIPMENT AND TECHNOLOGY DETERMINED  
9 TO BE NECESSARY FOR THE EFFECTIVE USE OF BODY-WORN CAMERAS.

10 (B) THE CONTRACTS NEGOTIATED UNDER SUBSECTION (A) OF THIS  
11 SECTION SHALL PRIORITIZE:

12 (1) EQUIPMENT AND TECHNOLOGY THAT COMPLIES WITH THE  
13 POLICIES DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS  
14 COMMISSION UNDER § 3-511 OF THIS SUBTITLE;

15 (2) EQUIPMENT AND TECHNOLOGY THAT CONFORM TO INDUSTRY  
16 STANDARDS AND BEST PRACTICES;

17 (3) CYBERSECURITY AND DATA PRIVACY;

18 (4) COMPATIBILITY WITH DIFFERENT EQUIPMENT AND  
19 TECHNOLOGY;

20 (5) CAPABILITIES TO EFFECTIVELY VIEW, EDIT, REDACT, AND  
21 TRANSFER DATA FROM BODY-WORN CAMERAS; AND

22 (6) COST EFFECTIVENESS.

23 (C) (1) THE RIGHT OF A LAW ENFORCEMENT AGENCY TO RECEIVE  
24 SERVICES FROM ANY ENTITY RELATED TO VIEWING, EDITING, REDACTING, OR  
25 TRANSFERRING DATA FROM BODY-WORN CAMERAS MAY NOT BE RESTRICTED IN ANY  
26 MANNER.

27 (2) THE MARYLAND POLICE TRAINING AND STANDARDS  
28 COMMISSION SHALL APPROVE OR DISAPPROVE ANY REQUEST TO USE AN ENTITY  
29 NOT SPECIFIED IN A CONTRACT NEGOTIATED UNDER SUBSECTION (A) OF THIS  
30 SECTION TO RECEIVE SERVICES RELATED TO VIEWING, EDITING, REDACTING, OR

1 TRANSFERRING DATA FROM BODY-WORN CAMERAS.

2 **3-511.2.**

3 (A) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT OF PUBLIC SAFETY  
4 AND CORRECTIONAL SERVICES, IN COORDINATION WITH THE DEPARTMENT OF  
5 INFORMATION TECHNOLOGY AND THE MARYLAND POLICE TRAINING AND  
6 STANDARDS COMMISSION, SHALL ESTABLISH AND ADMINISTER A STATEWIDE  
7 UNIFORM STORAGE AND ACCESS SYSTEM FOR ALL BODY-WORN CAMERA DATA  
8 CAPTURED IN ACCORDANCE WITH § 3-511 OF THIS SUBTITLE.

9 (B) THE STATEWIDE UNIFORM STORAGE AND ACCESS SYSTEM UNDER  
10 SUBSECTION (A) OF THIS SECTION SHALL:

11 (1) ENABLE LAW ENFORCEMENT AGENCIES TO REMOTELY UPLOAD  
12 DATA FROM BODY-WORN CAMERAS IN AN EFFICIENT MANNER;

13 (2) PROVIDE FOR AN ORGANIZED CATALOGING AND RETENTION OF  
14 BODY-WORN CAMERA DATA TO ENSURE EASE OF ACCESS AND MANAGEMENT;

15 (3) ENABLE LAW ENFORCEMENT AGENCIES TO REMOTELY USE THE  
16 STATEWIDE UNIFORM STORAGE AND ACCESS SYSTEM TO VIEW, EDIT, REDACT, AND  
17 TRANSFER DATA FROM BODY-WORN CAMERAS;

18 (4) BE CAPABLE OF ADAPTING TO THE DIFFERENT SIZES AND NEEDS  
19 OF LAW ENFORCEMENT AGENCIES ACROSS THE STATE; AND

20 (5) CONFORM TO INDUSTRY STANDARDS AND BEST PRACTICES.

21 (C) THE STATEWIDE UNIFORM STORAGE AND ACCESS SYSTEM FOR  
22 BODY-WORN CAMERA DATA SHALL BE THE CENTRAL LOCATION WHERE BODY-WORN  
23 CAMERA DATA IS STORED AND ACCESSED BY LAW ENFORCEMENT AGENCIES.

24 **3-511.3.**

25 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IS  
26 RESPONSIBLE FOR ALL COSTS AND EXPENSES ASSOCIATED WITH THE USE OF  
27 BODY-WORN CAMERAS BY A LAW ENFORCEMENT AGENCY UNDER § 3-511 OF THIS  
28 SUBTITLE, INCLUDING:

29 (1) THE INITIAL COSTS ASSOCIATED WITH BODY-WORN CAMERAS,  
30 EQUIPMENT, AND TECHNOLOGY; AND



1           **(2) ONGOING OPERATING COSTS ASSOCIATED WITH THE USE OF**  
2 **BODY-WORN CAMERAS BY THE LAW ENFORCEMENT AGENCY.**

3 **3-511.4.**

4           **(A) (1) ON OR BEFORE JULY 1, 2023, THE MARYLAND POLICE TRAINING**  
5 **AND STANDARDS COMMISSION SHALL DEVELOP AND PUBLISH ONLINE A POLICY**  
6 **FOR THE DISCLOSURE OF BODY-WORN CAMERA RECORDINGS AND DATA TO THE**  
7 **PUBLIC.**

8           **(2) THE POLICY DEVELOPED BY THE MARYLAND POLICE TRAINING**  
9 **AND STANDARDS COMMISSION SHALL GIVE CONSIDERATION TO:**

10                   **(I) PUBLIC INTEREST;**

11                   **(II) TRANSPARENCY AND ACCOUNTABILITY;**

12                   **(III) INDIVIDUAL PRIVACY;**

13                   **(IV) WHETHER THERE WILL BE ANY PREJUDICE TO AN ONGOING**  
14 **INVESTIGATION;**

15                   **(V) WHETHER ANY EDITS OR REDACTIONS ARE NECESSARY;**  
16 **AND**

17                   **(VI) ANY ADDITIONAL ISSUES DETERMINED TO BE RELEVANT TO**  
18 **THE DEVELOPMENT OF A POLICY FOR THE DISCLOSURE OF BODY-WORN CAMERA**  
19 **RECORDINGS AND DATA TO THE PUBLIC.**

20           **(3) THE POLICY FOR THE DISCLOSURE OF BODY-WORN CAMERA**  
21 **RECORDINGS AND DATA TO THE PUBLIC SHALL BE DEVELOPED IN COMPLIANCE**  
22 **WITH APPLICABLE LAWS AND REGULATIONS.**

23           **(B) ON OR BEFORE JULY 1, 2025, THE POLICIES DEVELOPED IN**  
24 **SUBSECTION (A) OF THIS SECTION SHALL BE ADOPTED AND IMPLEMENTED BY ALL**  
25 **LAW ENFORCEMENT AGENCIES UNDER § 3-511 OF THIS SUBTITLE.**

26 **3-511.5.**

27           **(A) (1) THE MARYLAND POLICE TRAINING AND STANDARDS**  
28 **COMMISSION MAY CONDUCT AUDITS OF ANY LAW ENFORCEMENT AGENCY UNDER §**  
29 **3-511 OF THIS SUBTITLE TO EVALUATE THE IMPLEMENTATION OF BODY-WORN**  
30 **CAMERA POLICIES AND THE USE OF BODY-WORN CAMERAS, EQUIPMENT, AND**

1 TECHNOLOGY IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS.

2 (2) THE SCOPE AND OBJECTIVES OF ANY AUDIT UNDER THIS  
3 SUBSECTION SHALL BE DETERMINED BY THE MARYLAND POLICE TRAINING AND  
4 STANDARDS COMMISSION.

5 (B) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION  
6 SHALL PROVIDE INFORMATION REGARDING THE AUDIT PROCESS TO A LAW  
7 ENFORCEMENT AGENCY BEFORE AN AUDIT IS CONDUCTED.

8 (C) A LAW ENFORCEMENT AGENCY SHALL MAKE AVAILABLE TO THE  
9 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ALL EMPLOYEES,  
10 RECORDS, AND INFORMATION SYSTEMS DEEMED NECESSARY BY THE MARYLAND  
11 POLICE TRAINING AND STANDARDS COMMISSION TO CONDUCT AN AUDIT  
12 REQUIRED UNDER THIS SECTION.

13 3-511.6.

14 (A) (1) FOLLOWING AN AUDIT UNDER § 3-511.5 OF THIS SUBTITLE, THE  
15 MARYLAND POLICE TRAINING AND STANDARDS COMMISSION SHALL REPORT A  
16 VIOLATION OF ANY APPLICABLE LAW OR REGULATION RELATED TO BODY-WORN  
17 CAMERA POLICIES OR THE USE OF BODY-WORN CAMERAS, EQUIPMENT, OR  
18 TECHNOLOGY TO:

19 (I) THE LAW ENFORCEMENT AGENCY;

20 (II) THE DEPARTMENT OF PUBLIC SAFETY AND  
21 CORRECTIONAL SERVICES; AND

22 (III) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,  
23 AND VICTIM SERVICES.

24 (2) A REPORT UNDER THIS SUBSECTION SHALL REQUEST THAT THE  
25 LAW ENFORCEMENT AGENCY TAKE APPROPRIATE ACTION TO CORRECT THE  
26 VIOLATION.

27 (B) (1) THE LAW ENFORCEMENT AGENCY THAT RECEIVES A REPORT OF  
28 AN APPARENT VIOLATION UNDER SUBSECTION (A) OF THIS SECTION SHALL SUBMIT  
29 A WRITTEN RESPONSE IN A TIMELY MANNER TO:

30 (I) THE MARYLAND POLICE TRAINING AND STANDARDS  
31 COMMISSION;

1                   **(II) THE DEPARTMENT OF PUBLIC SAFETY AND**  
2 **CORRECTIONAL SERVICES; AND**

3                   **(III) THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH,**  
4 **AND VICTIM SERVICES.**

5                   **(2) THE RESPONSE OF THE LAW ENFORCEMENT AGENCY SHALL**  
6 **INCLUDE WHAT ACTIONS, IF ANY, WERE TAKEN AS A RESULT OF THE FINDINGS OF**  
7 **THE AUDIT.**

8                   **(C) IF AN AUDIT UNDER § 3-511.5 OF THIS SUBTITLE IDENTIFIES ANY**  
9 **VIOLATION BY A LAW ENFORCEMENT AGENCY, THE MARYLAND POLICE TRAINING**  
10 **AND STANDARDS COMMISSION MAY REQUEST THAT THE EXECUTIVE DIRECTOR OF**  
11 **THE GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES**  
12 **CONDITION FUNDING FROM THE STATE AID FOR POLICE PROTECTION FUND ON**  
13 **ACTION BY THE LAW ENFORCEMENT AGENCY TO REMEDY THE VIOLATION AND**  
14 **PREVENT REPEAT VIOLATIONS.**

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
16 apply only prospectively and may not be applied or interpreted to have any effect on or  
17 application to any contract related to body-worn cameras negotiated before the effective  
18 date of this Act.

19                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
20 1, 2022, the effective date of Chapters 59 and 60 of the Acts of the General Assembly of  
21 2021. If the effective date of Chapters 59 or 60 is amended, this Act shall take effect on the  
22 taking effect of Chapter 59 or 60, whichever is later.