

HOUSE BILL 1044

E4

2lr3090
CF SB 752

By: **Delegates Williams, Atterbeary, and Moon**

Introduced and read first time: February 10, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Use of Force Incident Reports**

3 FOR the purpose of altering a reporting requirement applicable to a law enforcement officer
4 or police officer involved in a use of force incident in the line of duty; requiring a local
5 law enforcement agency to publish certain information on its public website; and
6 generally relating to use of force incident reports.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 3–514
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 3–514
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2021 Supplement)
17 (As enacted by Chapter 59 of the Acts of the General Assembly of 2021)

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

20 **Article – Public Safety**

21 3–514.

22 **(A) (1)** Each law enforcement agency shall require a law enforcement officer
23 who was involved in a use of force incident in the line of duty to file an incident report
24 regarding the use of force by the end of the officer's shift unless the officer is disabled.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE INCIDENT REPORT SHALL INCLUDE:**

2 **(I) THE TYPE OF ENCOUNTER;**

3 **(II) THE TYPE OF FORCE USED;**

4 **(III) THE LOCATION AT WHICH FORCE WAS USED;**

5 **(IV) THE LAW ENFORCEMENT OFFICER'S JUSTIFICATION FOR**
6 **THE USE OF FORCE;**

7 **(V) WHETHER THE INDIVIDUAL AGAINST WHOM FORCE WAS**
8 **USED WAS ARRESTED;**

9 **(VI) WHAT CHARGES THE INDIVIDUAL AGAINST WHOM FORCE**
10 **WAS USED WAS ARRESTED FOR, IF ANY;**

11 **(VII) WHETHER THE INDIVIDUAL AGAINST WHOM FORCE WAS**
12 **USED REQUESTED MEDICAL CARE;**

13 **(VIII) WHETHER THE LAW ENFORCEMENT OFFICER REQUESTED**
14 **MEDICAL CARE; AND**

15 **(IX) THE DEMOGRAPHIC INFORMATION ABOUT ANY LAW**
16 **ENFORCEMENT OFFICER INVOLVED IN AND INDIVIDUALS SUBJECT TO THE USE OF**
17 **FORCE, INCLUDING:**

18 **1. RACE;**

19 **2. ETHNICITY;**

20 **3. GENDER;**

21 **4. AGE; AND**

22 **5. DISABILITY.**

23 **(B) (1) ON OR BEFORE JULY 1, 2024, AND ANNUALLY THEREAFTER, EACH**
24 **LOCAL LAW ENFORCEMENT AGENCY SHALL PUBLISH ON ITS PUBLIC WEBSITE THE**
25 **AGGREGATE DATA OF POLICE OFFICERS' USE OF FORCE REPORTED UNDER**
26 **SUBSECTION (A) OF THIS SECTION.**

1 (VIII) WHETHER THE LAW ENFORCEMENT OFFICER REQUESTED
2 MEDICAL CARE; AND

3 (IX) THE DEMOGRAPHIC INFORMATION ABOUT ANY LAW
4 ENFORCEMENT OFFICER INVOLVED IN AND INDIVIDUALS SUBJECT TO THE USE OF
5 FORCE, INCLUDING:

- 6 1. RACE
- 7 2. ETHNICITY;
- 8 3. GENDER;
- 9 4. AGE; AND
- 10 5. DISABILITY.

11 (b) (1) ON OR BEFORE JULY 1, 2024, AND ANNUALLY THEREAFTER, EACH
12 LOCAL LAW ENFORCEMENT AGENCY SHALL PUBLISH ON ITS PUBLIC WEBSITE THE
13 AGGREGATE DATA OF POLICE OFFICERS' USE OF FORCE REPORTED UNDER
14 SUBSECTION (A) OF THIS SECTION.

15 (2) ON OR BEFORE JANUARY 1, 2023, AND EVERY 3 MONTHS
16 THEREAFTER, EACH LOCAL LAW ENFORCEMENT AGENCY SHALL PUBLISH ON ITS
17 PUBLIC WEBSITE THE TOTAL NUMBER OF USE OF FORCE INCIDENTS REPORTED
18 UNDER SUBSECTION (A) OF THIS SECTION FOR THE PRECEDING 3 MONTHS IN WHICH
19 THE LOCAL LAW ENFORCEMENT AGENCY DETERMINED THAT:

20 (I) THE USE OF FORCE WAS CONSISTENT WITH ITS POLICIES
21 AND APPLICABLE LAWS; AND

22 (II) THE USE OF FORCE WAS NOT CONSISTENT WITH ITS
23 POLICIES AND APPLICABLE LAWS.

24 (3) On or before March 1 each year, each law enforcement agency shall
25 submit to the Maryland Police Training and Standards Commission the number of use of
26 force complaints made against its police officers during the previous calendar year,
27 aggregated by numbers of complaints administratively charged, not charged, unfounded,
28 and exonerated.

29 [(2)] (4) On or before July 15 each year, the Maryland Police Training and
30 Standards Commission shall post on its website and submit to the General Assembly, in
31 accordance with § 2-1257 of the State Government Article, a compendium of the

1 information submitted by law enforcement agencies under paragraph [(1)] (3) of this
2 subsection.

3 [(3)] (5) If a law enforcement agency has not submitted the report
4 required under paragraph [(1)] (3) of this subsection by July 1 for the previous calendar
5 year, the Governor's Office of Crime Prevention, Youth, and Victim Services may not make
6 any grant funds available to that law enforcement agency.

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
8 effect October 1, 2022. It shall remain effective until the taking effect of Section 2 of this
9 Act. If Section 2 of this Act takes effect, Section 1 of this Act, with no further action required
10 by the General Assembly, shall be abrogated and of no further force and effect.

11 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
12 effect July 1, 2022 the effective date of Chapter 59 of the Acts of the General Assembly of
13 2021. If the effective date of Chapter 59 is amended, Section 2 of this Act shall take effect
14 on the taking effect of Chapter 59.

15 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
16 Sections 3 and 4 of this Act, this Act shall take effect July 1, 2022.