

SENATE BILL 558

E4

2lr2341
CF HB 162

By: **Senators Sydnor and Jackson**

Introduced and read first time: January 31, 2022

Assigned to: Judicial Proceedings

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

29 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

21 **Article – Public Safety**

22 3–101.

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

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

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

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

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

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

34 (g) “Police misconduct” means a pattern, a practice, or conduct by a police officer

1 or law enforcement agency that includes:

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

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

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

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

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

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

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

13 3–105.

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

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

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

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

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

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

32 (4) If the police officer does not accept the chief's offer of discipline, then

1 the matter shall be referred to a trial board.

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

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

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

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

7 3–201.

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

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

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

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

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

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

21 3–511.

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

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

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

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

30 (3) when recording is mandatory;

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

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

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

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

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

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

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

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

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

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

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

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

30 **3-511.1.**

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

1 **3-511 OF THIS SUBTITLE.**

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

4 **(I) BODY-WORN CAMERAS;**

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

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

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

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

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

16 **(3) CYBERSECURITY AND DATA PRIVACY;**

17 **(4) COMPATIBILITY WITH DIFFERENT EQUIPMENT AND**
18 **TECHNOLOGY;**

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

21 **(6) COST EFFECTIVENESS.**

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

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

1 **3-511.2.**

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

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

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

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

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

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

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

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

23 **3-511.3.**

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

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

30 (2) ONGOING OPERATING COSTS ASSOCIATED WITH THE USE OF

1 BODY-WORN CAMERAS BY THE LAW ENFORCEMENT AGENCY.

2 3-511.4.

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

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

9 (I) PUBLIC INTEREST;

10 (II) TRANSPARENCY AND ACCOUNTABILITY;

11 (III) INDIVIDUAL PRIVACY;

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

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

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

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

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

25 3-511.5.

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

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

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

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

12 **3-511.6.**

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

18 **(I) THE LAW ENFORCEMENT AGENCY;**

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

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

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

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

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

31 **(II) THE DEPARTMENT OF PUBLIC SAFETY AND**

1 **CORRECTIONAL SERVICES; AND**

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

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

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

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

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