

Chapter 548

(House Bill 973)

AN ACT concerning

Public Safety – Law Enforcement Agencies – Positive Community Feedback

FOR the purpose of adding certain positive community feedback to the list of records that are not considered personnel records for certain purposes; requiring the Maryland Police Training and Standards Commission to develop a process for citizens to submit certain feedback; requiring each law enforcement agency to adopt the uniform citizen positive community feedback process; requiring a law enforcement agency to maintain a certain record that is subject to public inspection; and generally relating to law enforcement agencies.

BY repealing and reenacting, with amendments,
 Article – General Provisions
 Section 4–311(c) and 4–351(a)
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY adding to
 Article – Public Safety
 Section 3–207(m) and 3–519.1
 Annotated Code of Maryland
 (2022 Replacement Volume and 2023 Supplement)

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

Article – General Provisions

4–311.

(c) (1) Except as provided in paragraph (2) of this subsection, **THE FOLLOWING RECORDS ARE NOT PERSONNEL RECORDS FOR THE PURPOSES OF THIS SECTION:**

(I) a record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record[.];

(II) a hearing record[.];

(III) A RECORD OF POSITIVE COMMUNITY FEEDBACK THAT WAS NOT SOLICITED BY THE POLICE OFFICER WHO IS THE SUBJECT OF THE FEEDBACK;
and

(IV) records relating to a disciplinary decision[, is not a personnel record for purposes of this section].

(2) A record of a technical infraction is a personnel record for the purposes of this section.

4–351.

(a) Subject to subsections (b), (c), and (d) of this section, a custodian may deny inspection of:

(1) records of investigations conducted by the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, or a sheriff;

(2) an investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose;

(3) records that contain intelligence information or security procedures of the Attorney General, a State’s Attorney, a municipal or county attorney, a police department, a State or local correctional facility, or a sheriff; or

(4) records, other than a record of a technical infraction, relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, **A RECORD OF POSITIVE COMMUNITY FEEDBACK**, and records relating to a disciplinary decision.

Article – Public Safety

3–207.

(M) (1) THE COMMISSION SHALL DEVELOP A UNIFORM CITIZEN POSITIVE COMMUNITY FEEDBACK PROCESS TO BE FOLLOWED BY EACH LAW ENFORCEMENT AGENCY.

(2) THE UNIFORM CITIZEN POSITIVE COMMUNITY FEEDBACK PROCESS SHALL:

(I) BE SIMPLE; AND

(II) BE POSTED ON THE WEBSITE OF THE COMMISSION AND EACH LAW ENFORCEMENT AGENCY.

3-519.1.

(A) EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE UNIFORM CITIZEN POSITIVE COMMUNITY FEEDBACK PROCESS DEVELOPED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER § 3-207 OF THIS TITLE.

(B) A LAW ENFORCEMENT AGENCY SHALL:

(1) POST THE AGENCY'S POSITIVE COMMUNITY FEEDBACK PROCESS ON THE AGENCY'S WEBSITE IF THE AGENCY MAINTAINS A WEBSITE; AND

(2) MAINTAIN A RECORD OF POSITIVE COMMUNITY FEEDBACK FOR ALL LAW ENFORCEMENT OFFICERS WITHIN THE AGENCY.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RECORDS MAINTAINED UNDER SUBSECTION (B) OF THIS SECTION ARE SUBJECT TO PUBLIC INSPECTION IN ACCORDANCE WITH THE MARYLAND PUBLIC INFORMATION ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.