


KEEPING MARYLAND SAFE

2022 LEGISLATIVE REVIEW

MARYLAND GENERAL ASSEMBLY SESSION RECAP



FRATERNAL ORDER OF POLICE, MARYLAND STATE LODGE, INC.

The background of the entire page is a blurred photograph of a city street. Tall buildings line the street, and the scene is captured in a way that creates a sense of depth and motion. In the foreground, a blue police tape with the words "BALTIMORE POLICE" in white capital letters is stretched across the bottom of the frame. A semi-transparent dark grey box is positioned in the center-right of the image, containing two paragraphs of white text.

The 2022 Maryland General Assembly Session had many bills that would impact Maryland's police officers. The Fraternal Order of Police tracked 130 of those bills, 73 in the Senate and 57 in the House of Delegates. Of those bills, 16 passed—11 of which were supported by the FOP.

Within this report, you will find the summary of the those bills, as well as those officials that voted across party lines.

BALTIMORE POLICE

NOTABLE 2022 BILLS

The bills below were priority bills for the Fraternal Order of Police and were closely monitored. Testimony was provided in support of Maryland officers' best interests.

None of the bills below moved before crossover this session and died, or did not get out, of committee.

PENSION BILLS (HB 123/SB 141)

This bill established that law enforcement officers are subject to forfeiture of benefits from the State Retirement and Pension System or a local system when a law enforcement officer is found guilty of, pleads guilty to, or enters a plea of nolo contendere to a felony, perjury, or a misdemeanor relating to truthfulness and veracity committed in the course of the performance of a law enforcement officer's duties; and providing for the processes and procedures to implement a forfeiture of benefits.

QUALIFIED IMMUNITY BILLS (HB 463/HB 1012)

Establishes the civil liability of a police officer who deprives or allows another to deprive an individual of certain rights under the Maryland Declaration of Rights and the Maryland Constitution is liable for damages.

ATTORNEY GENERAL INVESTIGATION BILLS (HB 638/SB 896)

Gives the Independent Investigations Unit in the Attorney General's office the primary investigative unit of any police-involved incident. Also, renames the Independent Investigative Unit in the Office of the Attorney General to be the Independent Investigations Division; alters the jurisdiction of the Independent Investigations Division to investigate certain incidents; establishes certain requirements for law enforcement agencies in relation to an investigation under the Act; authorizes the Office of the Attorney General to seek injunctive relief to enforce provisions of the Act; and establishes procedures for the prosecution of a police officer. NOTE: The House version of this bill was attached to SB 763 and passed with other bills that were added to SB 763 (see page 8).

POLICE OFFICER EDUCATION BILL (SB 949)

Establishes certain degree requirements for certification and recertification as a police officer; requiring law enforcement agencies to provide reasonable work-related administrative leave to police officers attempting to satisfy certain degree requirements and to develop and implement certain recruitment policies; and establishes the Continuing Education for Police Officers Scholarship, the Police Officers Educational Benefit Scholarship I, and the Police Officers Educational Benefit Scholarship II.

BY THE NUMBERS

130

BILLS TRACKED BY THE FOP

SENATE 73

HOUSE 57

0 100

16

BILLS PASSED

16

11 supported monitored 2 opposed*

0 20

*One of the opposed bills that passed was amended from what the FOP originally opposed and became an innocuous study bill, making the final passed bill neutral. The other opposed bill was one of three juvenile justice reform bills that ultimately passed.

 FOP OPPOSED FOP SUPPORTED

PASSED BILLS: HB 441/SB 586

CRIMINAL PROCEDURE AND PUBLIC SAFETY - COURTS AND CRIMINAL JUSTICE IN BALTIMORE CITY

This bill started as a bill to notify police agencies upon the release of a defendant prior to trial for specific part 1 offenses. It was changed to become the two different narratives below instead. Both bills were heavily amended in both chambers and both bills were passed. They are now actually two different bills that deal with the pretrial release of defendants in Baltimore City only and the creation of a Job Corp program.

- Requiring the Department of Public Safety and Correctional Services, if a defendant is released before trial, to notify the Baltimore Police Department within 24 hours of the release; and requiring that the notice be provided in a manner that allows the sorting and filtering of the information provided by the Department of Public Safety and Correctional Services. (House)
- Requiring the Department of Public Safety and Correctional Services to notify the Baltimore Police Department, within 24 hours of a release, if a defendant is released prior to trial; establishing the **Jobs Court Pilot Program** in the District Court sitting in Baltimore City to reduce recidivism by offering defendants an opportunity to take part in full-time job training and job placement programs as a condition of probation; requiring the Administrative Office of the Courts to develop a plan to implement and monitor the pilot program; etc. (Senate)

RESULTS

The Senate bill cleared the Senate unanimously, but it cleared the House by a vote of 101-35. All Democrats (minus those who were absent) and five Republicans supported the bill.

The five Republicans were: Anderton, Grammer, Krebs, Thiam, and Wivell. The bill awaits action by the Governor.



HB 1023/SB 785

COLLECTION OF INFORMATION RELATED TO PUBLIC SAFETY, CRIMINAL JUSTICE, CORRECTIONS, AND JUVENILE SERVICES

Requiring the Department of State Police to collect, analyze, and disseminate, and law enforcement agencies to submit to the Department, certain information about law enforcement employees; altering the information that law enforcement agencies are required to submit to the Maryland Police Training and Standards Commission to include each serious officer-involved incident each year; requiring the Department of Legislative Services and the Department of State Police to enter into a certain memorandum of understanding; etc.

RESULTS

The Senate bill had a hearing, but did not get out of the committee. The House bill was amended and passed 3rd reading 96-37. Senate passed HB 41-1. All Democrats (minus those who were absent) and four Republicans supported the bill.

The four Republicans were: Beitzel, Hornberger, McKay, and Metzgar. The bill awaits action by the Governor.

HB 269/SB 53

JUVENILE LAW - CHILD INTERROGATION PROTECTION ACT

Requiring a law enforcement officer who takes a child into custody or charges a child with a criminal violation to provide reasonable notice to the child's parents, guardian, or custodian; requiring the notice to include the child's location, the reason for the custody action or charge, and instructions on how to make in-person contact; prohibiting the interrogation of a child by a law enforcement officer until the child has consulted with a certain attorney and a notice has been provided to the child's parents, guardian, or custodian; etc.

RESULTS

The House bill was amended and passed 3rd reading by a vote of 91-41. Most Democrats (minus those absent and those who voted against) and no Republicans. The three Democrats who voted against were: Bhandari, Jackson, and Lisanti. It did not make it out of Senate Rules.

The Senate bill was amended and passed by a vote of 31-15. All Democrats (minus those absent) and one vote against. The one against came from Klausmeier. All Republicans voted against except for one for vote from Hough. The House made no changes and passed it 91-42.

The bill was then vetoed by the Governor and the Senate overrode the veto by a vote of 30-16. Most Democrats (minus those excused) and no Republicans. The one Democrat who voted against was Klausmeier.

The House overrode the veto by a vote of 93-44 making this bill law. Most Democrats (minus those absent or excused) and no Republicans. Three Democrats who voted against were: Bhandari, Jackson, and Lisanti.

HB 459

JUVENILE JUSTICE REFORM

Altering provisions of law relating to the jurisdiction of the juvenile court, the juvenile intake process, and the placement of a certain child in detention or community detention; altering provisions of law relating to the authority of the juvenile court in making a disposition on a certain petition; specifying the authority of the juvenile court to place a child on probation under certain circumstances; establishing the Commission on Juvenile Justice Reform and Emerging and Best Practices; etc.

RESULTS

The House bill was amended and passed 3rd reading by a vote of 93-38. Most Democrats (minus those absent and those who voted against) and no Republicans. The two Democrats who voted against were: Jackson and Lisanti.

The Senate further amended the bill and passed it 29-17. The House concurred with the Senate amendments and passed the bill 90-43. Most Democrats (minus those absent or voted against) and No Republicans.

The six Democrats who voted against were: Bhandari, Carey, Crosby, Jackson, Johnson, and Lisanti.

HB 900

DEATH CERTIFICATES – FEES – FIRST RESPONDERS KILLED IN THE LINE OF DUTY

Prohibiting the Maryland Department of Health and local health departments from collecting fees for certified or abridged copies of death certificates for first responders killed in the line of duty if the copy is provided to the first responder's surviving spouse or child for a certain purpose.

RESULTS

The bill was not amended and it passed the House unanimously 130-0 and the Senate 96-0.

HB 1468

INCOME TAX - RETIREMENT INCOME SUBTRACTION MODIFICATIONS AND SENIOR CREDIT

Allowing a subtraction modification under the Maryland income tax for individuals who are at least 55 years old for the first \$15,000 of income from a certain employee retirement system that is attributable to the individual's employment as a public safety employee; providing that retirement income of public safety employees that is included in the subtraction allowed under the Act may not be taken into account for purposes of a Maryland income tax subtraction modification for certain retirement income; etc.

RESULTS

The bill was amended in the House and passed unanimously 137-0. The Senate did not amend the bill and passed 46-0.

SB 389

PUBLIC SAFETY - MARYLAND POLICE ACCOUNTABILITY ACT REVISIONS AND CLARIFICATIONS

Specifying that a certain disciplinary matrix applies to all complaints of police misconduct; specifying that the purpose of a certain trial board process is to adjudicate all internal and external matters for which a police officer is subject to disciplin; requiring a trial board for a statewide or bicounty law enforcement agency, within 45 days of a final hearing, to issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board; etc.

RESULTS

This bill was amended in the Senate and passed 3rd reading 37-9 by all Democrats (minus those not voting) and five Republicans.

The five Republicans were: Bailey, Carozza, Eckardt, Salling, and West.

It received a hearing in the House but did not get out of committee. This was the bill our original fix was attached to, it was stripped out of the bill in the House and put onto SB 763 and ultimately amended further and passed with other bills that were added to SB 763 (see page 8).

SB 777

TASK FORCE TO STUDY PUBLIC INFORMATION ACT REQUESTS MADE TO LAW ENFORCEMENT - ESTABLISHMENT

Establishing the Task Force to Study Public Information Act Requests made to law enforcement. Prohibiting an official custodian from charging a fee for the search and preparation of the first 500 pages of a certain record relating to an administrative or criminal investigation of misconduct by a police officer.

RESULTS

Bill in original form was to make it easier to obtain PIA requested records of officers. It was amended to become just a task force.

Bill passed the Senate unanimously and the House 95-36, and is awaiting action by the Governor.



SB 405**INCOME TAX - RETIREMENT INCOME SUBTRACTION MODIFICATIONS AND SENIOR CREDIT (RETIREMENT TAX ELIMINATION ACT OF 2022)**

Allowing a subtraction modification under the Maryland income tax for individuals who are at least 55 years of age for certain retirement income attributable to the individual's employment as a public safety employee; providing that retirement income of public safety employees that is included in the subtraction may not be taken into account for purposes of a subtraction modification under the Maryland income tax for certain retirement income; providing a tax credit against the Maryland income tax for a resident who is at least 65 years old; etc.

RESULTS

The original bill was a general tax break for people over 65. The bill was amended and passed unanimously 42-0. In the House it was amended again and passed unanimously 132-0. Senate concurred with the changes and passed the bill 46-0.

SB 763**PUBLIC SAFETY AND CRIMINAL JUSTICE - TRANSPARENCY AND ACCOUNTABILITY**

Requiring the Division of Parole and Probation to report certain information annually to the General Assembly; requiring a certain annual report by the State Commission on Criminal Sentencing Policy to identify certain information for crimes of violence; requiring the Commission to include certain information in a data dashboard on its public website; altering the definition of "student data" to allow certain criminal and CINA records to be shared with the Maryland Longitudinal Data System Center; etc.

RESULTS

The bill, as summarized above, passed the Senate unanimously. In the House, this bill was amended in several ways. First, the House version of the Attorney General Investigation Bill (page 3) was inserted in its entirety into this bill. This version kept the prosecution with the State's Attorney's Office, as opposed to the Senate version which gave the prosecution to the Attorney General (this was our preferred outcome if that bill was to remain alive). Second, our language to fix specific language in the LEOBR replacement section from last year's HB 670 was inserted into this bill, as well as additional language changes to the original bill. The new amended bill then passed the House unanimously. The Senate didn't like the changes and a conference committee was appointed. The conference committee report was adopted and the bill passed the Senate 37-9, with three minutes left in session and the House did the same 105-10 with seconds left in the session.

All Democrats (minus those not voting) and six Republicans. The six Republicans were: Bailey, Carozza, Edwards, Gallion, Hough, and Reilly.

SB 861

PUBLIC SAFETY - MARYLAND POLICE ACCOUNTABILITY ACT REVISIONS AND CLARIFICATIONS

Expanding the types of cases in which the State may appeal from a decision of a trial court; establishing the Maryland State Police Gun Center as a statewide firearms enforcement center for the tracking, screening, and vetting of all firearm crimes in the State; requiring the Center to create a statewide database to track certain information related to crimes committed with crime firearms; requiring the Commissioner of Correction to include in a certain report certain statistics related to the cost of living of inmates; etc.

RESULTS

This bill originally created a state police gun center, but was amended in the Senate to add other pieces and passed 45-0. It was amended in the House and passed 121-12.

The Senate refused to concur on the amended bill and a conference committee was appointed. The committee report was adopted 32-15 in the Senate and the house passed it 93-39. The passed version removed the gun section we were worried about that would make it a felony with a mandatory no parole minimum if using a weapon with more than ten round magazine in crime.

LEGISLATOR BREAKDOWN

SENATOR
CORY McCRAY

Senator McCray sponsored several FOP **supported** bills including:

- **SB 586** (pg. 4)
- **SB 405** (pg. 8)

Del. Klausmeier and Senators Beidle, Hough, Bailey, and Cassilly supported several FOP **supported** bills.



SENATOR
JILL CARTER

Senator Carter sponsored several FOP **opposed** bills including:

- **SB 141** (pg. 3)
- **SB 53** (pg. 5)
- **SB 777** (pg. 7)

Del. Wilkins and Del. Acevero sponsored and supported several FOP **opposed** bills.

Please note that effective July 1, 2022, the LEOBR is repealed and replaced with the Police Accountability Act. The statute related to the Police Accountability Act is located in the Public Safety Article, §3-101 through §3-114.

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