

SB0001/443923/1

BY: Judiciary Committee

AMENDMENTS TO SENATE BILL 1
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Prohibition on**”; in the same line, after “**Coverings**” insert “**and Identification**”; in line 5, after “duty;” insert “requiring the Commission to develop a certain uniform policy requiring the use of worn identification by a law enforcement officer in the course of duty;”; in line 8, after “exception;” insert “requiring a certain law enforcement officer to wear identification while in the performance of duty in the State, with a certain exception;”; in line 18, after “and” insert “(q).”; and in the same line, after “3-535” insert “, and 3-536”.

AMENDMENT NO. 2

On page 3, after line 13, insert:

“(Q) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “IDENTIFICATION” HAS THE MEANING STATED IN § 3-536 OF THIS TITLE.

(III) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-535 OF THIS TITLE.

(IV) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN § 3-535 OF THIS TITLE.

(2) (I) THE COMMISSION SHALL DEVELOP A UNIFORM POLICY, TO BE USED BY EACH LAW ENFORCEMENT AGENCY, REQUIRING THE USE OF

IDENTIFICATION BY A LAW ENFORCEMENT OFFICER IN THE COURSE OF DUTY
CONSISTENT WITH § 3-536 OF THIS TITLE.

(II) THE UNIFORM POLICY DEVELOPED UNDER THIS
SUBSECTION SHALL INCLUDE LANGUAGE AFFIRMING THE STATE’S INTEREST IN:

1. PROMOTING PUBLIC SAFETY;
2. PREVENTING LAW ENFORCEMENT
IMPERSONATION; AND
3. PROMOTING TRANSPARENCY AND
ACCOUNTABILITY.

(III) THE UNIFORM POLICY DEVELOPED UNDER THIS
SUBSECTION SHALL ADDRESS:

1. THE SIZE, PLACEMENT, CONTRAST, AND
LEGIBILITY OF IDENTIFICATION, INCLUDING REQUIREMENTS TO ENSURE
VISIBILITY OF THE IDENTIFICATION FROM A REASONABLE DISTANCE;
2. THE WAY IDENTIFICATION MUST BE DISPLAYED ON
DIFFERENT TYPES OF UNIFORMS, OUTERWEAR, AND PROTECTIVE CLOTHING,
INCLUDING JACKETS, VESTS, AND RAIN GEAR;
3. NARROWLY TAILORED CIRCUMSTANCES IN WHICH
IDENTIFICATION MAY BE TEMPORARILY OBSCURED DUE TO AN IMMEDIATE
THREAT TO LAW ENFORCEMENT OFFICER SAFETY OR PUBLIC SAFETY AND ANY

DOCUMENTATION OR AFTER-ACTION REPORTING REQUIRED FOR DEVIATIONS;
AND

4. TRAINING REQUIREMENTS FOR NEW AND
CURRENT LAW ENFORCEMENT OFFICERS ON THE IDENTIFICATION
REQUIREMENTS ESTABLISHED UNDER § 3-536 OF THIS TITLE.

(3) A COUNTY, A MUNICIPALITY, OR A LAW ENFORCEMENT AGENCY
OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT A
POLICY, OTHER THAN THE UNIFORM POLICY DEVELOPED BY THE COMMISSION,
REQUIRING THE USE OF IDENTIFICATION BY LAW ENFORCEMENT OFFICERS.”.

AMENDMENT NO. 3

On page 7, after line 19, insert:

“3-536.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
MEANINGS INDICATED.

(2) “IDENTIFICATION” MEANS A LAW ENFORCEMENT OFFICER’S
AGENCY OR DEPARTMENT, LAST NAME, AND BADGE NUMBER OR OTHER
IDENTIFICATION NUMBER.

(3) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN
§ 3-535 OF THIS SUBTITLE.

(4) “LAW ENFORCEMENT OFFICER” HAS THE MEANING STATED IN
§ 3-535 OF THIS SUBTITLE.

(Over)

(B) THIS SECTION DOES NOT APPLY TO A LAW ENFORCEMENT OFFICER WORKING IN A PLAINCLOTHES, NONUNIFORMED, OR UNDERCOVER CAPACITY.

(C) (1) A LAW ENFORCEMENT OFFICER SHALL WEAR IDENTIFICATION ON THE LAW ENFORCEMENT OFFICER'S OUTERMOST LAYER OF CLOTHING WHILE IN THE PERFORMANCE OF DUTY IN THE STATE.

(2) ON REQUEST OF ANOTHER, A LAW ENFORCEMENT OFFICER SHALL VERBALLY DISCLOSE IDENTIFICATION WHILE IN THE PERFORMANCE OF DUTY IN THE STATE.

(D) (1) A LAW ENFORCEMENT OFFICER WHO VIOLATES THIS SECTION IS GUILTY OF A CIVIL OFFENSE AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,500.

(2) A VIOLATION OF THIS SECTION CONSTITUTES POLICE MISCONDUCT FOR PURPOSES OF SUBTITLE 1 OF THIS TITLE.

(E) (1) A POLICE OFFICER MAY ISSUE A CITATION TO A LAW ENFORCEMENT OFFICER WHO THE POLICE OFFICER HAS PROBABLE CAUSE TO BELIEVE IS COMMITTING OR HAS COMMITTED A VIOLATION OF THIS SECTION.

(2) ADJUDICATION UNDER THIS SECTION:

(I) IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE; AND

(II) DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES THAT MAY RESULT FROM A CRIMINAL CONVICTION.

(3) A CITATION ISSUED UNDER THIS SECTION SHALL BE SIGNED BY THE POLICE OFFICER WHO ISSUED THE CITATION AND SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE LAW ENFORCEMENT OFFICER CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE DATE, LOCATION, AND TIME THAT THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS ALLOWED; AND

(VI) A NOTICE THAT STATES THAT THE DISTRICT COURT SHALL PROMPTLY SEND THE LAW ENFORCEMENT OFFICER A SUMMONS TO APPEAR FOR TRIAL.

(4) (I) THE FORM OF THE CITATION SHALL BE UNIFORM THROUGHOUT THE STATE AND SHALL BE PRESCRIBED BY THE DISTRICT COURT.

(II) THE CHIEF JUDGE OF THE DISTRICT COURT SHALL ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF A FINE FOR A VIOLATION OF THIS SECTION.

(5) (I) THE LAW ENFORCEMENT AGENCY OF THE POLICE OFFICER WHO ISSUED THE CITATION SHALL FORWARD TO THE DISTRICT COURT HAVING VENUE A COPY OF THE CITATION AND A REQUEST FOR TRIAL.

(II) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(6) IN ANY PROCEEDING FOR A CIVIL OFFENSE UNDER THIS SECTION:

(I) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT BY A PREPONDERANCE OF THE EVIDENCE;

(II) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CASES;

(III) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(IV) THE DEFENDANT IS ENTITLED TO CROSS-EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(V) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(VI) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

1. GUILTY OF A CIVIL OFFENSE; OR
2. NOT GUILTY OF A CIVIL OFFENSE.

(7) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION AND A FINE HAS BEEN IMPOSED BY THE COURT, THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH.

(8) THE DEFENDANT MAY BE LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(9) (I) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CIVIL OFFENSE UNDER THIS SECTION HAS THE SAME RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(II) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION, HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(10) THE STATE'S ATTORNEY FOR A COUNTY MAY PROSECUTE A CIVIL OFFENSE UNDER THIS SECTION IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(11) IN A CIVIL OFFENSE CASE UNDER THIS SECTION, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.”.