

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 1

(Senator Augustine, *et al.*)

Judicial Proceedings

Judiciary

Public Safety - Law Enforcement Officers - Prohibition on Face Coverings

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to develop a uniform policy, to be used by each law enforcement agency, prohibiting the use of a face covering by a law enforcement officer in the course of duty consistent with the provisions of the bill. The uniform policy may allow for uses of face coverings under specified circumstances. 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 MPTSC, regarding the use of face coverings by law enforcement officers. The bill further prohibits a law enforcement officer from wearing a face covering while in the performance of duty in the State, except as authorized in the uniform policy adopted by MPTSC under the bill; this prohibition, however, does not apply to a law enforcement officer actively engaged in an undercover operation. Finally, the bill establishes (1) penalties for violations of the prohibition and (2) criteria for the issuance and adjudication of citations for violations of the prohibition.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary:

Uniform Policy Prohibiting the Use of Face Coverings by Law Enforcement Officers

The uniform policy developed by MPTSC must include language affirming:

- the law enforcement agency's commitment to transparency, accountability, and public trust;
- that the authorized use of face coverings must be limited to specific and clearly defined circumstances; and
- that generalized and undifferentiated fear and apprehension about law enforcement officer safety is not sufficient to justify the use of face coverings.

Subject to those requirements, the uniform policy may allow for uses of face coverings under circumstances absolutely necessary to protect the health or safety of law enforcement officers while performing public safety functions, including the use of face coverings during inclement weather.

Penalties for Violating the Prohibition on Wearing Face Coverings

A law enforcement officer who violates the bill's prohibition on wearing a face covering is guilty of a civil offense punishable by a maximum fine of \$1,500. In addition, a violation constitutes police misconduct for purposes of the police accountability and discipline process established under Title 3, Subtitle 1 of the Public Safety Article.

Adjudication under the bill is not a criminal conviction for any purpose and does not impose any of the civil disabilities that may result from a criminal conviction.

Requirements for the Issuance of a Citation

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 the bill's prohibition on wearing a face covering.

A citation issued under the bill must be signed by the police officer and must contain specified information. The form of the citation must be prescribed by the District Court and uniform throughout the State. The chief judge of the District Court must establish a schedule for the prepayment of a fine for a violation.

The law enforcement agency of the police officer who issued the citation must forward to the District Court having venue a copy of the citation and a request for trial. The District Court must promptly schedule the case for trial and summon the defendant to appear.

Requirements for the Adjudication of a Citation

In any proceeding for a civil offense under the bill, the State has the burden to prove the guilt of the defendant by a preponderance of the evidence. The court must apply the evidentiary standards as prescribed by law or rule for the trial of criminal causes.

The court must ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges. 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. In addition, the defendant is entitled to representation by counsel of the defendant's choice and at the expense of the defendant.

The defendant may enter a plea of guilty or not guilty, and the verdict of the court in the case must be (1) guilty of a civil offense or (2) not guilty of a civil offense.

When a defendant has been found guilty of a civil offense under the bill and the court imposes a fine, the court may direct that the payment of the fine be suspended or deferred under conditions that the court may establish. The defendant may be liable for the costs of the proceedings in the District Court and for payment to the Criminal Injuries Compensation Fund (CICF).

A defendant who has been found guilty of a civil offense under the bill 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. A motion must 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.

The State's Attorney for a county may prosecute a civil offense under the bill in the same manner as prosecution of a violation of the criminal laws of the State. The State's Attorney may (1) enter a *nolle prosequi* in or place the case on the stet docket and (2) exercise authority in the same manner as prescribed by law for violation of the criminal laws of the State.

Definitions

“Face covering” means any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the face of an individual. “Face covering” includes a balaclava, ski mask, neck gaiter, or tactical mask. “Face covering” does not include:

- a translucent face shield or clear mask that does not conceal the wearer’s face;
- a medical-grade or surgical mask worn to protect against the transmission of disease or infection;
- a mask or an apparatus, such as a self-contained breathing apparatus, necessary to protect against exposure to any toxins, gas, smoke, or other hazardous or harmful environmental condition;
- a mask, helmet, self-contained breathing apparatus, or other device necessary for underwater use;
- a motorcycle helmet when worn by an individual utilizing a motorcycle or other vehicle that requires a helmet for safe operations;
- eyewear necessary to protect an individual from the use of retinal weapons and lasers;
- a garment worn for religious purposes;
- protective gear worn during tactical operations for purposes of physical safety; or
- any other item worn to follow applicable laws on occupational health and safety or reasonable workplace accommodations.

“Law enforcement agency” includes a law enforcement agency of (1) the State; (2) another state; (3) a political subdivision of the State or another state; or (4) the federal government.

“Law enforcement officer” means a sworn member of a law enforcement agency.

Current Law:

Use of Face Coverings: There is no prohibition on the use of a face covering by a law enforcement officer in the course of duty.

Police Accountability and Discipline Process: The statewide accountability and discipline process for police officers contains procedural requirements for handling complaints of police misconduct that could lead to disciplinary action. The process includes requirements for the use of police accountability boards, administrative charging committees, and trial boards, as well as the authorization for a police officer who is the subject of a complaint of police misconduct to have the assistance of a representative. It extends to police officers of specified State and local agencies. For additional information regarding police

accountability and discipline, see the **Appendix – Police Accountability and Discipline Process**.

Criminal Injuries Compensation Fund: CICF, administered by the Criminal Injuries Compensation Board within the Governor’s Office of Crime Prevention and Policy, provides financial assistance to crime victims and their families for expenses incurred due to a criminal offense, including medical bills, funeral costs, and lost wages. CICF is a nonlapsing special fund supported by fees imposed on offenders through court costs and criminal cases.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 155 (Delegate Williams, *et al.*) - Judiciary.

Information Source(s): Baltimore City; Howard and Prince George’s counties; Maryland Association of Counties; cities of Annapolis and Takoma Park; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Comptroller’s Office; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State’s Attorneys’ Association; Baltimore City Community College; University System of Maryland; St. Mary’s College of Maryland; Department of General Services; Maryland Department of Health; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2026
caw/lgc Third Reader - March 18, 2026
Revised - Amendment(s) - March 18, 2026
Revised - Clarification - March 18, 2026

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Appendix – Police Accountability and Discipline Process

Establishment of Accountability and Discipline Process for Police Officers

Chapter 59 of 2021 repealed the Law Enforcement Officers’ Bill of Rights and established a statewide accountability and discipline process for police officers with procedural requirements for handling complaints of police misconduct that could lead to disciplinary action. The process includes requirements for the use of police accountability boards, administrative charging committees, and trial boards, as well as the authorization for a police officer who is the subject of a complaint of police misconduct to have the assistance of a representative. It extends to police officers of specified State and local agencies. More detail on the process is discussed below.

A law enforcement agency may not negate or alter any of the requirements relating to Title 3, Subtitle 1 of the Public Safety Article (which addresses police accountability and discipline) through collective bargaining, and collective bargaining may not be used to establish or alter any aspect of the process for disciplining a police officer.

Police Accountability Boards: Each county must have a police accountability board to:

- hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing;
- appoint civilian members to charging committees and trial boards;
- receive complaints of police misconduct filed by members of the public;
- on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and
- by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county.

In addition, the local governing body must (1) establish the membership of and the budget and staff for a police accountability board; (2) appoint a chair for a police accountability board, as specified; and (3) establish the procedures for recordkeeping by a police accountability board. An active police officer may not be a member, and to the extent practicable, the membership must reflect the racial, gender, and cultural diversity of the county.

Administrative Charging Committees: Each county must have one administrative charging committee to serve countywide law enforcement agencies and local law enforcement agencies in the county, and there must be at least one statewide administrative charging committee to serve statewide and bi-county law enforcement agencies. An administrative charging committee must (1) review the findings of a law enforcement agency's investigation conducted and forwarded, as specified; (2) make a determination as to whether or not to administratively charge the police officer who is the subject of the investigation; (3) if the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix, as specified; (4) review any body camera footage that may be relevant to the matters covered in the complaint of misconduct; (5) authorize a police officer called to appear before an administrative charging committee to be accompanied by a representative; (6) issue a written opinion that describes in detail its findings, determinations, and recommendations; and (7) forward the written opinion to the chief of the law enforcement agency, the police officer, and the complainant. An administrative charging committee may request specified information and make specified determinations.

Chapter 59 also established requirements regarding the composition of a county and statewide administrative charging committee. An individual must receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission (MPTSC) before serving as a member of an administrative charging committee.

Investigation of Complaints: An individual may file a complaint of police misconduct with a police accountability board or the law enforcement agency that employs the police officer who is the subject of the complaint. A complaint of police misconduct filed with a police accountability board or the law enforcement agency must include specified information but need not be notarized. If filed with a police accountability board, the complaint must be forwarded to the appropriate law enforcement agency within three days of receipt, and each such complaint by a member of the public must be immediately reviewed by the investigating unit of the law enforcement agency.

On completion of an investigation, regardless of whether the complaint originated from within the law enforcement agency or from an external source, the law enforcement agency must forward the investigatory files for the complaint to the appropriate administrative charging committee. For an incident involving a member of the public and a police officer, the process of review and investigation by the investigating unit through disposition by the administrative charging committee must be completed within 395 days after the filing of a complaint by a member of the public.

A law enforcement agency must file any administrative charges arising out of an investigation of alleged police officer misconduct that is not required to be reviewed by an

administrative charging committee within one year and one day after the date that the appropriate official employed by the law enforcement agency, as determined by written policy of the law enforcement agency, became aware of the incident that led to the investigation. However, if alleged police officer misconduct is the subject of a criminal investigation, an administrative charging committee or law enforcement agency must file any administrative charges within one year and one day after the date of (1) the investigating law enforcement agency's timely determination that the matter is not related to criminal activity; (2) the disposition of all criminal charges filed against the police officer; or (3) the administrative charging committee's or law enforcement agency's receipt of timely notice that the appropriate prosecutorial authority declined to file criminal charges.

Disciplinary Matrix: MPTSC must develop and adopt, by regulation, a model uniform disciplinary matrix for use by each law enforcement agency in the State, and each law enforcement agency must adopt the matrix for all matters that may result in discipline of a police officer.

Within 15 days after an administrative charging committee issues an administrative charge against a police officer, the chief of the law enforcement agency must offer discipline to the police officer who has been administratively charged in accordance with the disciplinary matrix. The chief may offer the same discipline that was recommended by the administrative charging committee or a higher degree of discipline within the applicable range of the disciplinary matrix but may not deviate below the discipline recommended by the administrative charging committee. If the police officer accepts the chief's offer of discipline, the offered discipline must be imposed. However, if the police officer does not accept the chief's offer of discipline, the matter must be referred to a trial board. At least 30 days before a trial board proceeding begins, the police officer must be provided a copy of the investigatory record and notified of the charges against the police officer and the recommended disciplinary action.

Trial Board Process: Each law enforcement agency must establish a trial board process to adjudicate matters for which a police officer is subject to discipline; however, a small law enforcement agency may use the trial board process of another law enforcement agency by mutual agreement. Chapter 59 also established requirements regarding the composition of a trial board and requires an individual, before serving as a member of a trial board, to receive training on matters relating to police procedures from MPTSC.

With specified exceptions, proceedings of a trial board must be open to the public. A trial board may administer oaths and issue subpoenas as necessary to complete its work. A complainant has the right to be notified of a trial board hearing and, with specified exceptions, the right to attend a trial board hearing. A police officer may be disciplined

only for cause; with specified exceptions, a law enforcement agency has the burden of proof by a preponderance of the evidence.

Within 45 days after the final hearing by a trial board, the trial board must issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board. Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the police officer, as specified. An appeal taken from a trial board decision must be on the record, and a trial board decision that is not appealed is final.

Suspensions and Terminations: Pending an investigatory, administrative charging committee, and trial board process, the chief may impose an emergency suspension with pay or, for at most 30 days, without pay if the chief determines that such a suspension is in the best interest of the public. If an administrative charging committee determines not to administratively charge a police officer in connection with the matter on which a suspension without pay is based, the police officer is entitled to receive back pay.

A chief or a chief's designee may suspend a police officer without pay and suspend the police officer's police powers on an emergency basis if the police officer is charged with specified crimes. A police officer who was suspended without pay is entitled to receive back pay if the criminal charge or charges against the police officer result in a finding of not guilty, an acquittal, a dismissal, or a *nolle prosequi*.

The chief must terminate the employment of a police officer who is convicted of a felony and may terminate the employment of a police officer who (1) receives a probation before judgment for a felony or (2) is convicted of a misdemeanor committed in the performance of duties as a police officer, misdemeanor second-degree assault, or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

In connection with a disciplinary matter, a police officer may be required to submit to blood alcohol tests; blood, breath, or urine tests for controlled dangerous substances; polygraph examinations; or interrogations that specifically relate to the subject matter of the investigation. If a police officer is required to submit to a test, examination, or interrogation and the police officer refuses to do so, the law enforcement agency may commence an action that may lead to a punitive measure as a result of the refusal. However, if a police officer is required to submit to a test, examination, interrogation, or polygraph examination, the results are not admissible or discoverable in a criminal proceeding against the police officer and the results of the polygraph examination are also not admissible or discoverable in a civil proceeding against the police officer.

Victims' Rights Advocates: A law enforcement agency must designate an employee as a victims' rights advocate, with specified duties, to act as the contact for the public within the agency on matters related to police misconduct.

Database to Track Complaints: Each law enforcement agency must create a database that enables a complainant to enter the complainant's case number to follow the status of the case, as specified.

Police Officer Rights: Both a police officer who is the subject of a complaint of police misconduct and a complainant may have the assistance of a representative in connection with disciplinary proceedings.

A police officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer (1) disclosed information that evidences mismanagement, a waste of government resources, a danger to public health or safety, or a violation of law or policy committed by another police officer or (2) lawfully exercised constitutional rights. A police officer may not be denied the right to bring suit arising out of the police officer's official duties and has the same rights to engage in political activity as a State employee, except when on duty or acting in an official capacity. A law enforcement agency may not prohibit secondary employment by a police officer but may adopt reasonable regulations that relate to secondary employment by a police officer.

Expungement and Destruction of Records: A record relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigatory record, a hearing record, and records relating to a disciplinary decision, may not be expunged or destroyed by a law enforcement agency.