

**SB0071/958677/1**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 71

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Senator Sydnor**” and substitute “**Senators Sydnor, Smith, Waldstreicher, Jackson, Carter, Hough, Lee, West, and Hettleman**”; strike in their entirety lines 2 and 3 and substitute “**Maryland Police Accountability Act of 2021 – Body-Worn Cameras**”; in line 7, after “showing;” insert “requiring certain law enforcement agencies to require the use of body-worn cameras by certain law enforcement officers on or before a certain date; requiring all law enforcement agencies of a county in the State to require the use of body-worn cameras by certain law enforcement officers on or before a certain date; requiring certain law enforcement agencies to develop and maintain certain policies; establishing the Task Force on Statewide Body-Camera Implementation; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date;”; in line 8, after “terms;” insert “providing for the termination of a certain provision of this Act;”; in the same line, strike “testimony of police officers” and substitute “body-worn cameras”; and after line 13, insert:

“BY repealing and reenacting, with amendments,

Article - Public Safety

Section 3-511

Annotated Code of Maryland

(2018 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

(Over)

**SB0071/958677/1 Judicial Proceedings Committee  
Amendments to SB 71  
Page 2 of 7**

On page 2, in line 5, strike “(1) THE KNOWING AND WILLFUL” and substitute “SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE INTENTIONAL”; in line 11, strike “(2)” and substitute “(D)”; in the same line, after “PRESUMPTION” insert “IN SUBSECTION (C) OF THIS SECTION”; in line 12, before “(I)” insert “(1)”; in line 20, after “SHIFT” insert “; OR”

**(2) IT WAS UNSAFE, IMPRACTICAL, OR IMPOSSIBLE FOR THE LAW ENFORCEMENT OFFICER TO ACTIVATE THE BODY-WORN CAMERA**”;

after line 20, insert:

**“Article – Public Safety**

3-511.

**(A) IN THIS SECTION, “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN § 3-201 OF THIS TITLE.**

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

- (1) the testing of body-worn cameras to ensure adequate functioning;**
- (2) the procedure for the law enforcement officer to follow if the camera fails to properly operate at the beginning of or during the law enforcement officer’s shift;**
- (3) when recording is mandatory;**
- (4) when recording is prohibited;**

**SB0071/958677/1 Judicial Proceedings Committee**  
**Amendments to SB 71**  
**Page 3 of 7**

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

**(C) (1) (I) THIS PARAGRAPH APPLIES TO:**

(Over)

1. THE DEPARTMENT OF STATE POLICE;
2. THE ANNE ARUNDEL COUNTY POLICE  
DEPARTMENT;
3. THE HOWARD COUNTY POLICE DEPARTMENT;  
AND
4. THE HARFORD COUNTY SHERIFF'S OFFICE.

(II) ON OR BEFORE JULY 1, 2023, A LAW ENFORCEMENT AGENCY TO WHICH THIS PARAGRAPH APPLIES SHALL REQUIRE THE USE OF BODY-WORN CAMERAS, SUBJECT TO THE POLICY ON THE USE OF BODY-WORN CAMERAS DEVELOPED BY THE LAW ENFORCEMENT AGENCY, BY EACH LAW ENFORCEMENT OFFICER EMPLOYED BY THE LAW ENFORCEMENT AGENCY WHO REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC AS PART OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

(2) ON OR BEFORE JULY 1, 2025, A LAW ENFORCEMENT AGENCY OF A COUNTY, OTHER THAN A LAW ENFORCEMENT AGENCY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, SHALL REQUIRE THE USE OF BODY-WORN CAMERAS, SUBJECT TO THE POLICY ON THE USE OF BODY-WORN CAMERAS DEVELOPED BY THE LAW ENFORCEMENT AGENCY, BY EACH LAW ENFORCEMENT OFFICER EMPLOYED BY THE LAW ENFORCEMENT AGENCY WHO REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC AS PART OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES.

(D) (1) A LAW ENFORCEMENT AGENCY DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY

CONSISTENT WITH THE POLICY PUBLISHED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION UNDER SUBSECTION (B) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.

(2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SPECIFY WHICH LAW ENFORCEMENT OFFICERS EMPLOYED BY THE LAW ENFORCEMENT AGENCY ARE REQUIRED TO USE BODY-WORN CAMERAS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

- (a) There is a Task Force on Statewide Body-Camera Implementation.
- (b) The Task Force consists of the following members:
  - (1) one member of the Senate of Maryland, appointed by the President of the Senate;
  - (2) one member of the House of Delegates, appointed by the Speaker of the House;
  - (3) the Secretary of Information Technology, or the Secretary's designee;
  - (4) the Secretary of Budget and Management, or the Secretary's designee;
  - (5) the Secretary of General Services, or the Secretary's designee; and
  - (6) the following members, appointed by the Governor:

(Over)

**SB0071/958677/1 Judicial Proceedings Committee**  
**Amendments to SB 71**  
**Page 6 of 7**

- (i) one representative of the Maryland Municipal League;
  - (ii) one representative of the Maryland Association of Counties;
  - (iii) one representative of the Maryland Chiefs of Police Association;
  - (iv) one representative of the Maryland Sheriffs' Association;
  - (v) one representative of the Governor's Office of Homeland Security; and
  - (vi) one representative of the Governor's Office of Crime Prevention, Youth, and Victim Services.
- (c) The Governor shall designate the chair of the Task Force.
- (d) The Governor's Office of Crime Prevention, Youth, and Victim Services shall provide staff for the Task Force.
- (e) A member of the Task Force:
- (1) may not receive compensation as a member of the Task Force; but
  - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (f) The Task Force shall:
- (1) study and make findings on the implementation and feasibility of requiring the use of body-worn cameras by law enforcement officers in counties and

**SB0071/958677/1 Judicial Proceedings Committee**  
**Amendments to SB 71**  
**Page 7 of 7**

municipalities throughout the State, consistent with the requirements of Section 1 of this Act; and

(2) make recommendations regarding requiring the use of body-worn cameras by counties and municipalities based on its findings.

(g) On or before July 1, 2022, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”;

in line 21, strike “2.” and substitute “3.”; in line 22, strike “October” and substitute “June”; and in the same line, after the period insert “Section 2 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2022, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.