



MSBA Bill Report 3A - Criminal Law

(2024.01.30)

January 30, 2024

[**MD - HB533** County Police Accountability Boards Investigation of Complaints of Police Misconduct](#)

Last Action: Text - First - County Police Accountability Boards Investigation of Complaints of Police Misconduct (January 24, 2024)

Primary Sponsor: Delegate Malcolm Ruff (D)

Committee: Judiciary (House)

Summary:

Authorizing the local governing body of a county, including Baltimore City, to authorize its police accountability board to exercise investigatory and subpoena powers; and authorizing a police accountability board to conduct an investigation of police misconduct concurrently with a law enforcement agency investigating the complaint.

Cross-filed Bill: SB621

Statutes Amended:

3-102 Article - Public Safety

[**MD - HB699** Criminal Law - Hate Crimes - Notice and Removal of Item or Symbol \(Hate Crimes Graffiti Removal Act\)](#)

Last Action: Hearing 2/20 at 1:00 p.m. (January 29, 2024)

Primary Sponsor: Delegate Joe Vogel (D)

Committee: Environment and Transportation (House)

Scheduled Hearing:

Environment and Transportation (House)

Date: February 20, 2024

Time: 1:00pm (EST)

Location: House Office Building, Room 250, Annapolis, MD

Summary:

Requiring law enforcement agencies to promptly notify owners of personal or real property regarding certain items or symbols being placed or inscribed on the property; requiring certain property owners to remove the items or symbols within 24 hours after the certain item or symbol is reported to a law enforcement agency or the property owner receives a certain notification, subject to certain exceptions; and establishing that a penalty for a violation of this Act may only be imposed on an owner of commercial real or personal property.

Cross-filed Bill: SB650

Statutes Amended:

10-305.1,

10-305.2,

10-306 Article - Criminal Law

[**MD - HB703** Juvenile Law - Police Record Concerning a Child - Confidentiality Exception](#)

Last Action: Text - First - Juvenile Law - Police Record Concerning a Child - Confidentiality Exception (January 26, 2024)

Primary Sponsor: Delegate Elizabeth Embry (D)

Committee: Judiciary (House)

Summary:

Authorizing the public disclosure by the Office of the Attorney General of the name and age of a child injured or killed in a police-involved incident as well as photographic or other visual depictions or descriptions of a police-involved incident resulting in the death or injury of a child, subject to the express consent of the child's parent or guardian.

Statutes Amended:

3-8A-27 Article - Courts and Judicial Proceedings

[MD - HB706 Drug Paraphernalia for Administration - Decriminalization](#)

Last Action: Hearing 2/13 at 1:00 p.m. (January 30, 2024)

Primary Sponsor: Delegate Jon S. Cardin (D)

Committee: Judiciary (House)

Summary:

Repealing the prohibition against a person using or possessing with intent to use, delivering or selling under certain circumstances, or manufacturing or possessing with intent to deliver or sell under certain circumstances drug paraphernalia to inject, ingest, inhale, or otherwise introduce into the human body a controlled dangerous substance; altering a prohibition against a person possessing or distributing controlled paraphernalia under certain circumstances; etc.

[MD - HB707 Public Safety Law Enforcement Use of BodyWorn Cameras](#)

Last Action: Text - First - Public Safety Law Enforcement Use of BodyWorn Cameras (January 26, 2024)

Primary Sponsor: Delegate Gary Simmons (D)

Committee: Judiciary (House)

Summary:

Altering certain provisions of law to require a certain law enforcement agency to require the use of body-worn cameras, subject to a certain policy, by each sworn law enforcement officer, regardless of rank, employed by the law enforcement agency while the officer is in uniform, in public, and conducting law enforcement related duties.

Cross-filed Bill: SB661

Statutes Amended:

3-511 Article - Public Safety

[MD - SB590 Human Relations - Discrimination - Protected Characteristics \(Equal Opportunity for All Marylanders Act\)](#)

Last Action: Text - First - Human Relations - Discrimination - Protected Characteristics (Equal Opportunity for All Marylanders Act) (January 26, 2024)

Primary Sponsor: Senator Clarence K. Lam (D)

Committees:

Finance (Senate)

Judicial Proceedings (Senate)

Summary:

Altering certain provisions of law prohibiting discrimination based on certain protected characteristics to include prohibitions on discrimination based on sexual orientation, gender identity, race, religious beliefs, marital status, and disability.

Statutes Amended:

10-304,

10-305,

2-207,

3-209 Article - Criminal Law

11-102,

12-113,

12-305,

12-503,

12-603,

12-702,

12-704 Article - Commercial Law

13-219,

19-101,

19-102,

19-103,

19-114,

19-115 Article - State Finance and Procurement

14-5F-10,

19-311 Article - Health Occupations

15-112,

27-910 Article - Insurance

16-204,

16-304 Article - Land Use

16-305 Article - Housing and Community Development

18-204,

7-507 Article - Public Utilities

19-408,

19-710,

19-725 Article - Health - General

23-605,

23-806,

6-104,

7-128 Article - Education

3-304,

3-307 Article - Labor and Employment

5-106,

8-102 Article - Courts and Judicial Proceedings

8-214 Article - Tax - Property

8-707 Article - Human Services

8A-801 Article - Real Property

MD - SB601 Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court

Last Action: Text - First - Minors Convicted as Adults - Sentencing - Transfer to Juvenile Court
(January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Establishing a presumption that the sentencing of a minor convicted as an adult should be transferred to the juvenile court, under certain circumstances, and authorizing the court to do so; and requiring the juvenile court to make a juvenile determination under certain circumstances.

Cross-filed Bill: HB445

Statutes Amended:

6-235 Article - Criminal Procedure

MD - SB602 Criminal Procedure - Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024)

Last Action: Text - First - Criminal Procedure - Automated Expungement, Waiting Periods, and Adverse Actions (Clean Slate Act of 2024) (January 26, 2024)

Primary Sponsor: Senator Mike McKay (R)

Committee: Judicial Proceedings (Senate)

Summary:

Altering certain provisions of law relating to waiting periods for the filing of certain petitions for expungement to authorize the filing of a petition a certain amount of time after the completion of the sentence; establishing procedures for the automated expungement of certain clean slate eligible charges; requiring the Department of Public Safety and Correctional Services to submit a report semiannually detailing the progress and outcomes of the automated expungement process during the preceding 6 months; etc.

Cross-filed Bill: HB658

Statutes Amended:

10-105,

10-109,

10-110,

10-113 Article - Criminal Procedure

[MD - SB606 Police Discipline - Order to Show Cause](#)

Last Action: Text - First - Police Discipline - Order to Show Cause (January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing a police officer who is denied a certain right to apply to the circuit court at a certain time for an order that directs the law enforcement agency to show cause why the right should not be granted.

Statutes Amended:

3-113.1 Article - Public Safety

[MD - SB607 Public Safety - Police Accountability and Discipline - Summary Punishment](#)

Last Action: Text - First - Public Safety - Police Accountability and Discipline - Summary Punishment (January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing the imposition of certain summary punishment of a police officer for a minor violation of law enforcement agency rules and regulations if the facts that constitute the minor violation are not in dispute.

Statutes Amended:

3-106.1 Article - Public Safety

MD - SB608 Public Safety - Police Accountability - Time Limit for Filing Administrative Charges

Last Action: Text - First - Public Safety - Police Accountability - Time Limit for Filing Administrative Charges (January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Requiring a law enforcement agency to 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 1 year and 1 day from the date of the incident that led to the investigation; etc.

Statutes Amended:

3-113 Article - Public Safety

MD - SB609 Criminal Law - Hate Crimes - Law Enforcement Officers

Last Action: Text - First - Criminal Law - Hate Crimes - Law Enforcement Officers (January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Including law enforcement officers within the scope of certain prohibitions against committing certain crimes against certain persons, damaging certain property of certain persons, burning certain objects, and damaging certain buildings with which certain persons or groups have contacts or associations or under circumstances exhibiting animosity against a certain person or group.

Statutes Amended:

10-301,

10-304,

10-305 Article - Criminal Law

MD - SB610 CrimesInterception of Wire, Oral, or Electronic CommunicationsException for Imminent Danger

Last Action: Text - First - CrimesInterception of Wire, Oral, or Electronic Communications Exception for Imminent Danger (January 26, 2024)

Primary Sponsor: Senator William G. Folden (R)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing a person to intercept a wire, oral, or electronic communication if the person has a good faith belief that the person intercepting the communication or another person is in imminent danger of becoming the victim of a crime of violence, stalking, abuse, or a violation of a protective order.

Cross-filed Bill: HB290

Statutes Amended:

10-402 Article - Courts and Judicial Proceedings

MD - SB617 Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund

Last Action: Text - First - Task Force to Study Transparency Standards for State's Attorneys and the State's Attorney Case Management System Grant Fund (January 26, 2024)

Primary Sponsor: Senator Charles E. Sydnor, III (D)

Committee: Judicial Proceedings (Senate)

Summary:

Establishing the State's Attorney Case Management System Grant Fund to provide grants to State's Attorneys' offices to establish or improve case management systems; altering the membership of the Task Force to Study Transparency Standards for State's Attorneys; making the reporting requirement for the Task Force an annual report; and altering the termination date of the Task Force to June 30, 2027.

Statutes Amended:

15-501 through 15-503 Article - Criminal Procedure

190., 6-226 Article - State Finance and Procurement

2022 Article - Chapter of the Acts

MD - SB619 Criminal Law - Cannabis-Related Offenses - Civil Penalties

Last Action: Text - First - Criminal Law - Cannabis-Related Offenses - Civil Penalties (January 26, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committee: Judicial Proceedings (Senate)

Summary:

Substituting civil penalties in place of criminal penalties for certain offenses relating to possessing, possessing with the intent to distribute, and cultivating cannabis and manufacturing cannabis products.

Cross-filed Bill: HB441

Statutes Amended:

5-101,

5-601,

5-601.1,

5-601.2,

5-602,

5-603,
5-607 Article - Criminal Law

MD - SB620 Resources and Education for All Prisons (REAP) Act

Last Action: Text - First - Resources and Education for All Prisons (REAP) Act (January 26, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committees:

Finance (Senate)

Education, Energy, and the Environment (Senate)

Summary:

Requiring the Department of Public Safety and Correctional Services to assist incarcerated individuals in accessing federal Pell Grants for higher education; requiring the Maryland Department of Labor to set goals for the number of incarcerated individuals in certain education programs, establish tracking systems relating to the number of incarcerated individuals and their progress in certain education programs, and forward certain data to the Maryland Higher Education Commission; etc.

Cross-filed Bill: HB92

Statutes Amended:

11-903.1 Article - Labor and Employment

2-701, 2-702 Article - Correctional Services

MD - SB621 County Police Accountability Boards - Investigation of Complaints of Police Misconduct

Last Action: Text - First - County Police Accountability Boards - Investigation of Complaints of Police Misconduct (January 26, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing the local governing body of a county, including Baltimore City, to authorize its police accountability board to exercise investigatory and subpoena powers; and authorizing a police accountability board to conduct an investigation of police misconduct concurrently with a law enforcement agency investigating the complaint.

Cross-filed Bill: HB533

Statutes Amended:

3-102 Article - Public Safety

MD - SB623 Prison Education Delivery Reform Commission

Last Action: Text - First - Prison Education Delivery Reform Commission (January 26, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committee: Finance (Senate)

Summary:

Establishing the Prison Education Delivery Reform Commission to develop recommendations relating to education and its impact on the criminal justice system; and requiring the Commission to submit an interim report of its findings and recommendations to the Governor and the General Assembly by June 1, 2025, and a final report by January 1, 2026.

Cross-filed Bill: HB209

[MD - SB624 Task Force to Study Public Information Act Requests Made to Law Enforcement Establishment](#)

Last Action: Text - First - Task Force to Study Public Information Act Requests Made to Law Enforcement Establishment (January 26, 2024)

Primary Sponsor: Senator Jill P. Carter (D)

Committee: Judicial Proceedings (Senate)

Summary:

Establishing the Task Force to Study Public Information Act Requests Made to Law Enforcement; and requiring the Task Force to submit an interim report of its findings to the General Assembly on or before December 31, 2024, and a final report on or before December 31, 2025.

[MD - SB632 Peace Orders - Visual Surveillance](#)

Last Action: Text - First - Peace Orders - Visual Surveillance (January 26, 2024)

Primary Sponsor: Senator Paul D. Corderman (R)

Committee: Judicial Proceedings (Senate)

Summary:

Authorizing a certain person to petition for a peace order against another person whom the petitioner alleges has conducted visual surveillance of areas of the petitioner's residence where the petitioner has a reasonable expectation of privacy.

Statutes Amended:

3-1501,

3-1503 Article - Courts and Judicial Proceedings

[MD - SB635 Landlords and Prospective Tenants - Residential Leases - Criminal History Review \(Maryland Fair Chance in Housing Act\)](#)

Last Action: First Reading Judicial Proceedings (January 29, 2024)

Primary Sponsor: Senator Chris West (R)

Committee: Judicial Proceedings (Senate)

Summary:

Altering the number of years of criminal history, from 7 years to 3 years, that are reviewed in a certain reusable tenant screening report; establishing certain prohibitions and limitations on the review and consideration of a prospective tenant's criminal history; and requiring a landlord that denies the lease application of a prospective tenant to provide the individual with a physical document stating with particularity each reason for the denial.

Statutes Amended:

8-218,
8-220 Article - Real Property

MD - SB636 Juvenile Law Commission to Study the Ability of the Department of Juvenile Services to Provide Effective Social Services to Juvenile Offenders

Last Action: First Reading Judicial Proceedings (January 29, 2024)

Primary Sponsor: Senator Chris West (R)

Committee: Judicial Proceedings (Senate)

Summary:

Establishing the Commission to Study the Ability of the Department of Juvenile Services to Provide Effective Social Services to Juvenile Offenders; and requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before December 1, 2025.

MD - SB650 Criminal Law - Hate Crimes - Notice and Removal of Item or Symbol

Last Action: First Reading Judicial Proceedings (January 29, 2024)

Primary Sponsor: Senator Cheryl C. Kagan (D)

Committee: Judicial Proceedings (Senate)

Summary:

Requiring law enforcement agencies to promptly notify owners of personal or real property regarding certain items or symbols being placed or inscribed on the property; requiring certain property owners to remove the items or symbols within 24 hours after the certain item or symbol is reported to a law enforcement agency or the property owner receives a certain notification, subject to certain exceptions; and establishing that a penalty for a violation of this Act may only be imposed on an owner of commercial real or personal property.

Cross-filed Bill: HB699

Statutes Amended:

10-305.1,
10-305.2, 10-306 Article - Criminal Law

MD - SB661 Public Safety - Law Enforcement - Use of Body-Worn Cameras

Last Action: First Reading Judicial Proceedings (January 29, 2024)

Primary Sponsor: Senator Charles E. Sydnor, III (D)

Committee: Judicial Proceedings (Senate)

Summary:

Altering certain provisions of law to require a certain law enforcement agency to require the use of body-worn cameras, subject to a certain policy, by each sworn law enforcement officer, regardless of rank, employed by the law enforcement agency while the officer is in uniform, in public, and conducting law enforcement related duties.

Cross-filed Bill: HB707

Statutes Amended:

3-511 Article - Public Safety