

HOUSE BILL 1198

L2

5lr2852
CF SB 882

By: **Delegates Oaks, Anderson, and Carter**

Introduced and read first time: February 25, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 9, 2015

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2015

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City Civilian Review Board**

3 FOR the purpose of altering the definition of “law enforcement unit” as it relates to the
4 Baltimore City Civilian Review Board so as to increase the number of law
5 enforcement units that are subject to review by the Board; altering the composition
6 of the Board; requiring the Board to hold a minimum number of meetings in locations
7 rotated throughout different police districts in Baltimore City; altering certain
8 definitions; and generally relating to the Baltimore City Civilian Review Board.

9 BY repealing and reenacting, with amendments,
10 The Public Local Laws of Baltimore City
11 Section 16–41
12 Article 4 – Public Local Laws of Maryland
13 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)
14 (As enacted by Chapter 499 of the Acts of the General Assembly of 2006)

15 BY repealing and reenacting, with amendments,
16 The Public Local Laws of Baltimore City
17 Section 16–43
18 Article 4 – Public Local Laws of Maryland
19 (1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article 4 – Baltimore City

16–41.

(a) In this subheading the following words have the meanings indicated.

(b) [(1)] “Abusive language” means [harsh, violent, profane, or derogatory language which would demean the dignity of an individual.

(2) “Abusive language” includes profanity and racial, ethnic, or sexist slurs] **THE USE OF REMARKS INTENDED TO BE DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING THAT MAY OR MAY NOT BE BASED ON THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, OR GENDER IDENTITY OF AN INDIVIDUAL.**

(c) (1) “Excessive force” means the use of greater physical force than reasonably necessary to repel an attacker or terminate resistance.

(2) “Excessive force” does not include force that is reasonably necessary to effect a lawful purpose.

(d) “False arrest” means an arrest made without legal justification.

(e) “False imprisonment” means the intentional restriction without legal justification of the freedom of movement of a person who is aware of the restriction and who does not consent.

(f) (1) “Harassment” means:

[(1) repeated, unwarranted verbal or physical annoyances; or

(2) unwarranted threats or unwarranted demands]

(I) **REPEATED OR UNWARRANTED CONDUCT THAT IS INTENDED TO BE OVERTLY DEMEANING, HUMILIATING, MOCKING, INSULTING, OR BELITTLING THAT MAY OR MAY NOT BE SEXUAL IN NATURE; ~~AND OR~~**

(II) **ANY CONDUCT THAT IS INTENDED TO CAUSE UNNECESSARY PHYSICAL DISCOMFORT OR INJURY.**

(2) **“HARASSMENT” DOES NOT INCLUDE CONDUCT THAT IS REASONABLY NECESSARY TO EFFECT A LAWFUL PURPOSE.**

(g) “Law enforcement unit” means:

- 1 **(1)** the Police Department of Baltimore City_;
 2 **(2)** the Baltimore City School Police_;
 3 **(3)** the Housing Authority of Baltimore City Police_; [and]
 4 **(4)** the Baltimore City Sheriff's Department_;
 5 **(5)** **THE BALTIMORE CITY WATERSHED POLICE FORCE_;**
 6 **(6)** **THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY**
 7 **COLLEGE_; OR**
 8 **(7)** **THE POLICE FORCE OF MORGAN STATE UNIVERSITY_;**

9 ~~THE POLICE FORCE OF THE UNIVERSITY SYSTEM OF MARYLAND FOR~~
 10 ~~ANY INCIDENT OCCURRING WITHIN THE CITY OF BALTIMORE, AND~~

11 ~~THE MARYLAND TRANSIT AUTHORITY POLICE FOR ANY INCIDENT~~
 12 ~~OCCURRING WITHIN THE CITY OF BALTIMORE.~~

13 (h) "Police officer" means a member of a law enforcement unit authorized to make
 14 arrests.

15 16-43.

16 (a) (1) The Board is composed of:

17 (i) one member of the public from each of the nine police districts in
 18 Baltimore City selected by the Mayor, subject to the advice and consent of the City Council;

19 (ii) one representative of the Fraternal Order of Police;

20 (iii) one representative of the Vanguard Justice Society; [and]

21 (iv) the Commissioner or the Commissioner's designee;

22 **(v) ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES**
 23 **UNION OF MARYLAND, SELECTED BY THE MAYOR, SUBJECT TO THE ADVICE AND**
 24 **CONSENT OF THE CITY COUNCIL; AND**

25 **(vi) ONE REPRESENTATIVE OF THE BALTIMORE CITY BRANCH**
 26 **OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,**

1 SELECTED BY THE MAYOR, SUBJECT TO THE ADVICE AND CONSENT OF THE CITY
2 COUNCIL.

3 (2) Each public member of the Board:

4 (i) shall be a voting member of the Board; but

5 (ii) may not be a current employee of a municipal, county, state, or
6 federal law enforcement agency.

7 (3) A MEMBER WHO IS APPOINTED UNDER PARAGRAPH (1)(V) OR (VI)
8 OF THIS SUBSECTION SHALL BE A VOTING MEMBER OF THE BOARD.

9 (4) Each voting member of the Board shall be a resident of Baltimore City.

10 (b) At its first meeting each year, the Board shall elect a Chairman and Secretary.

11 (c) (1) The Board shall meet as often as necessary to perform its functions and
12 duties but it shall meet at least once a month.

13 (2) **EACH YEAR AT LEAST FOUR MEETINGS OF THE BOARD SHALL BE**
14 **HELD IN LOCATIONS ROTATED THROUGHOUT DIFFERENT POLICE DISTRICTS IN THE**
15 **CITY.**

16 (d) (1) The Board shall determine what constitutes a quorum.

17 (2) In all matters where a quorum is present, a majority of the voting
18 members of the Board shall prevail.

19 (e) (1) The term of a public member of the Board appointed under subsection
20 (a)(1)(i) of this section is 3 years.

21 (2) (i) The terms of the public members are staggered as required by
22 the terms provided for the public members of the Board on October 1, 1999.

23 (ii) A public member of the Board is not eligible to serve for more
24 than two full successive terms.

25 (3) At the end of a term, a public member appointed under subsection
26 (a)(1)(i) of this section continues to serve until a successor is appointed and qualifies.

27 (4) A public member who is appointed under subsection (a)(1)(i) of this
28 section after a term has begun serves only for the rest of the term and until a successor is
29 appointed and qualifies.

1 (5) A member who is appointed under subsection (a)(1)(ii), (iii), ~~for~~ (iv),
2 ~~(v), OR (vi)~~ of this section shall serve in a nonvoting advisory capacity.

3 (f) (1) The Mayor of Baltimore City shall assign staff to the Board for the
4 periodic meetings of the Board from the Office of the City Solicitor and the Community
5 Relations Commission.

6 (2) Baltimore City may hire an independent administrator to serve the
7 Board.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.