

HOUSE BILL 1198

L2

5lr2852

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

Introduced and read first time: February 25, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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:

22 **Article 4 – Baltimore City**

23 16–41.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

16 (f) (1) “Harassment” means:

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

18 (2) unwarranted threats or unwarranted demands]

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

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

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

26 (g) “Law enforcement unit” means

27 the Police Department of Baltimore City,

28 the Baltimore City School Police,

29 the Housing Authority of Baltimore City Police, [and]

1 the Baltimore City Sheriff's Department,

2 **THE BALTIMORE CITY WATERSHED POLICE FORCE,**

3 **THE POLICE FORCE OF THE BALTIMORE CITY COMMUNITY COLLEGE,**

4 **THE POLICE FORCE OF MORGAN STATE UNIVERSITY,**

5 **THE POLICE FORCE OF THE UNIVERSITY SYSTEM OF MARYLAND FOR**
6 **ANY INCIDENT OCCURRING WITHIN THE CITY OF BALTIMORE, AND**

7 **THE MARYLAND TRANSIT AUTHORITY POLICE FOR ANY INCIDENT**
8 **OCCURRING WITHIN THE CITY OF BALTIMORE.**

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

11 16–43.

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

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

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

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

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

18 (v) **ONE REPRESENTATIVE OF THE AMERICAN CIVIL LIBERTIES**
19 **UNION OF MARYLAND; AND**

20 (vi) **ONE REPRESENTATIVE OF THE BALTIMORE CITY BRANCH**
21 **OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.**

22 (2) Each public member of the Board:

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

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

26 (3) Each voting member of the Board shall be a resident of Baltimore City.

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

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

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

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

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

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

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

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

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

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

21 (5) A member who is appointed under subsection (a)(1)(ii), (iii), [or] (iv),
22 **(V), OR (VI)** of this section shall serve in a nonvoting advisory capacity.

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

26 (2) Baltimore City may hire an independent administrator to serve the
27 Board.

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