

SENATE BILL 178

P3, E4

(11r1057)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senator Carter**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Public Information Act – Personnel Records – Investigations of Law~~

3 ~~Enforcement Officers~~

4 ~~(Anton’s Law)~~

5 Maryland Police Accountability Act of 2021 – Personnel Records –

6 Investigations of Law Enforcement Officers

7 (Anton’s Law)

8 Search Warrants and Inspection of Records Relating to Police Misconduct

9 (Anton’s Law)

10 FOR the purpose of ~~establishing that a certain record relating to an administrative or~~
11 ~~criminal investigation of misconduct by a law enforcement officer is not a personnel~~
12 ~~record for purposes of certain provisions of the Public Information Act; authorizing~~
13 ~~a custodian to deny inspection of records relating to an administrative or criminal~~
14 ~~investigation of misconduct by a law enforcement officer; requiring that an~~
15 ~~application for a certain no-knock search warrant be approved in writing by a police~~

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.

Italics indicate opposite chamber/conference committee amendments.



1 supervisor and the State's Attorney; repealing a certain ground for issuance of a
 2 certain no-knock search warrant; requiring that an application for a certain
 3 no-knock search warrant contain certain items; requiring that a certain no-knock
 4 search warrant be executed between certain times under certain circumstances;
 5 altering the number of days within which a certain search and seizure shall be made;
 6 imposing certain restrictions on a police officer when executing a search warrant;
 7 requiring a certain custodian to allow inspection of certain records by the United
 8 States Attorney, the Attorney General, the State Prosecutor, and a certain State's
 9 Attorney; providing that a certain record is not a personnel record for a certain
 10 purpose, with a certain exception; authorizing a certain custodian to deny inspection
 11 of certain records; requiring a certain custodian to ~~deny inspection of~~ redact a certain
 12 record in a certain manner under certain circumstances; authorizing a custodian to
 13 redact a certain record in a certain manner under certain circumstances; requiring a
 14 custodian to notify a certain person in interest when a certain record is inspected;
 15 prohibiting a certain custodian from disclosing the identity of a certain requestor to
 16 a certain person in interest; requiring a law enforcement agency that maintains a
 17 SWAT team to report certain information to the Governor's Office of Crime
 18 Prevention, Youth, and Victim Services using a certain format; requiring the
 19 Maryland Police Training and Standards Commission, in consultation with the
 20 Office, to develop a standardized format that certain law enforcement agencies shall
 21 use in reporting certain data relating to the activation and deployment of certain
 22 SWAT teams to the Office; requiring a law enforcement agency to compile certain
 23 information as a report in a certain format and to submit the report to the Office not
 24 later than a certain date following the period that is the subject of the report; requiring
 25 the Office to analyze and summarize certain reports of law enforcement agencies and
 26 to submit a report of the analyses and summaries to the Governor, the General
 27 Assembly, and each law enforcement agency before a certain date each year and
 28 publish the report on its website; providing that, if a law enforcement agency fails to
 29 comply with certain reporting requirements, the Office shall report the noncompliance
 30 to the Commission; providing that the Commission shall contact a certain law
 31 enforcement agency and request that the agency comply with certain reporting
 32 requirements under certain circumstances; providing that, if a certain law
 33 enforcement agency fails to comply with certain reporting requirements within a
 34 certain period after being contacted by the Commission, the Office and the
 35 Commission jointly shall make a certain report to the Governor and the Legislative
 36 Policy Committee of the General Assembly; defining certain terms; providing for the
 37 application of this Act; and generally relating to ~~personnel records and the Public~~
 38 ~~Information Act~~ search warrants and inspection of records relating to police
 39 misconduct.

40 ~~BY renumbering~~

41 ~~Article — General Provisions~~

42 ~~Section 4 — 101(e) through (j), respectively~~

43 ~~to be Section 4 — 101(f) through (k), respectively~~

44 ~~Annotated Code of Maryland~~

45 ~~(2019 Replacement Volume and 2020 Supplement)~~

1 ~~BY repealing and reenacting, without amendments,~~
2 ~~Article – General Provisions~~
3 ~~Section 4–101(a)~~
4 ~~Annotated Code of Maryland~~
5 ~~(2019 Replacement Volume and 2020 Supplement)~~

6 ~~BY adding to~~
7 ~~Article – General Provisions~~
8 ~~Section 4–101(c) and (d)~~
9 ~~Annotated Code of Maryland~~
10 ~~(2019 Replacement Volume and 2020 Supplement)~~

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article – General Provisions~~
13 ~~Section 4–311 and 4–351~~
14 ~~Annotated Code of Maryland~~
15 ~~(2019 Replacement Volume and 2020 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article – Criminal Procedure
18 Section 1–203(a)
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2020 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – General Provisions
23 Section 4–101(a) and (c)
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2020 Supplement)

26 BY adding to
27 Article – General Provisions
28 Section 4–101(i) and (l)
29 Annotated Code of Maryland
30 (2019 Replacement Volume and 2020 Supplement)

31 BY repealing and reenacting, with amendments,
32 Article – General Provisions
33 Section 4–101(i) and (j), 4–311, and 4–351
34 Annotated Code of Maryland
35 (2019 Replacement Volume and 2020 Supplement)

36 BY adding to
37 Article – Public Safety
38 Section 3–523
39 Annotated Code of Maryland
40 (2018 Replacement Volume and 2020 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 2 ~~That Section(s) 4-101(e) through (j), respectively, of Article – General Provisions of the~~
 3 ~~Annotated Code of Maryland be renumbered to be Section(s) 4-101(f) through (k),~~
 4 ~~respectively.~~

5 ~~SECTION 2. AND BE IT FURTHER ENACTED,~~ That the Laws of Maryland read
 6 as follows:

7 *Article – Criminal Procedure*

8 *1-203.*

9 (a) (1) *IN THIS SUBSECTION, “NO-KNOCK SEARCH WARRANT” MEANS A*
 10 *SEARCH WARRANT THAT AUTHORIZES THE EXECUTING LAW ENFORCEMENT OFFICER*
 11 *TO ENTER A BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED*
 12 *WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR PURPOSE.*

13 (2) *A circuit court judge or District Court judge may issue forthwith a search*
 14 *warrant whenever it is made to appear to the judge, by application as described in*
 15 *paragraph [(2)] (3) of this subsection, that there is probable cause to believe that:*

16 (i) *a misdemeanor or felony is being committed by a person or in a*
 17 *building, apartment, premises, place, or thing within the territorial jurisdiction of the judge;*
 18 *or*

19 (ii) *property subject to seizure under the criminal laws of the State is*
 20 *on the person or in or on the building, apartment, premises, place, or thing.*

21 [(2)] (3) (i) *An application for a search warrant shall be:*

22 1. *in writing;*

23 2. *signed, dated, and sworn to by the applicant; and*

24 3. *accompanied by an affidavit that:*

25 A. *sets forth the basis for probable cause as described in*
 26 *paragraph (1) of this subsection; and*

27 B. *contains facts within the personal knowledge of the affiant*
 28 *that there is probable cause.*

29 (ii) *An application for a search warrant may be submitted to a judge:*

1 1. by in-person delivery of the application, the affidavit, and
2 a proposed search warrant;

3 2. by secure fax, if a complete and printable image of the
4 application, the affidavit, and a proposed search warrant are submitted; or

5 3. by secure electronic mail, if a complete and printable image
6 of the application, the affidavit, and a proposed search warrant are submitted.

7 (iii) The applicant and the judge may converse about the search
8 warrant application:

9 1. in person;

10 2. via telephone; or

11 3. via video.

12 (iv) The judge may issue the search warrant:

13 1. by signing the search warrant, indicating the date and time
14 of issuance on the search warrant, and physically delivering the signed and dated search
15 warrant, the application, and the affidavit to the applicant;

16 2. by signing the search warrant, writing the date and time of
17 issuance on the search warrant, and sending complete and printable images of the signed
18 and dated search warrant, the application, and the affidavit to the applicant by secure fax;
19 or

20 3. by signing the search warrant, either electronically or in
21 writing, indicating the date and time of issuance on the search warrant, and sending
22 complete and printable images of the signed and dated search warrant, the application, and
23 the affidavit to the applicant by secure electronic mail.

24 (v) The judge shall file a copy of the signed and dated search
25 warrant, the application, and the affidavit with the court.

26 (vi) 1. [An] IF APPROVED IN WRITING BY A POLICE
27 SUPERVISOR AND THE STATE'S ATTORNEY, AN application for a search warrant may
28 contain a request that the search warrant [authorize the executing law enforcement officer
29 to enter the building, apartment, premises, place, or thing to be searched without giving
30 notice of the officer's authority or purpose] BE A NO-KNOCK SEARCH WARRANT, on the
31 [grounds] GROUND that there is reasonable suspicion to believe that, without the
32 authorization[:]

1 1. the property subject to seizure may be destroyed, disposed
 2 of, or secreted; or

3 2.] the life or safety of the executing officer or another person
 4 may be endangered.

5 **2. AN APPLICATION FOR A NO-KNOCK SEARCH WARRANT**
 6 **UNDER THIS SUBPARAGRAPH SHALL CONTAIN:**

7 **A. A DESCRIPTION OF THE EVIDENCE IN SUPPORT OF**
 8 **THE APPLICATION;**

9 **B. AN EXPLANATION OF THE INVESTIGATIVE ACTIVITIES**
 10 **THAT HAVE BEEN UNDERTAKEN AND THE INFORMATION THAT HAS BEEN GATHERED**
 11 **TO SUPPORT THE REQUEST FOR A NO-KNOCK SEARCH WARRANT;**

12 **C. AN EXPLANATION OF WHY THE AFFIANT IS UNABLE TO**
 13 **DETAIN THE SUSPECT OR SEARCH THE PREMISES USING OTHER, LESS INVASIVE**
 14 **METHODS;**

15 **D. ACKNOWLEDGMENT THAT ANY POLICE OFFICERS WHO**
 16 **WILL EXECUTE THE SEARCH WARRANT HAVE SUCCESSFULLY COMPLETED THE SAME**
 17 **TRAINING IN BREACH AND CALL-OUT ENTRY PROCEDURES AS SWAT TEAM**
 18 **MEMBERS;**

19 **E. A STATEMENT AS TO WHETHER THE SEARCH WARRANT**
 20 **CAN EFFECTIVELY BE EXECUTED DURING DAYLIGHT HOURS AND, IF NOT, WHAT**
 21 **FACTS OR CIRCUMSTANCES PRECLUDE EFFECTIVE EXECUTION IN DAYLIGHT HOURS;**
 22 **AND**

23 **F. A LIST OF ANY ADDITIONAL OCCUPANTS OF THE**
 24 **PREMISES BY AGE AND GENDER, AS WELL AS AN INDICATION AS TO WHETHER ANY**
 25 **INDIVIDUALS WITH COGNITIVE OR PHYSICAL DISABILITIES OR PETS RESIDE AT THE**
 26 **PREMISES, IF KNOWN.**

27 **3. A NO-KNOCK SEARCH WARRANT SHALL BE EXECUTED**
 28 **BETWEEN 8:00 A.M. AND 7:00 P.M., ABSENT EXIGENT CIRCUMSTANCES.**

29 ~~[(3)]~~ (4) The search warrant shall:

30 (i) be directed to a duly constituted police officer, the State Fire
 31 Marshal, or a full-time investigative and inspection assistant of the Office of the State Fire
 32 Marshal and authorize the police officer, the State Fire Marshal, or a full-time investigative
 33 and inspection assistant of the Office of the State Fire Marshal to search the suspected

1 person, building, apartment, premises, place, or thing and to seize any property found
2 subject to seizure under the criminal laws of the State;

3 (ii) name or describe, with reasonable particularity:

4 1. the person, building, apartment, premises, place, or thing
5 to be searched;

6 2. the grounds for the search; and

7 3. the name of the applicant on whose application the search
8 warrant was issued; and

9 (iii) if warranted by application as described in paragraph [(2)] (3)
10 of this subsection, authorize the executing law enforcement officer to enter the building,
11 apartment, premises, place, or thing to be searched without giving notice of the officer's
12 authority or purpose.

13 ~~[(4)] (5)~~ (i) The search and seizure under the authority of a search
14 warrant shall be made within [15] 10 calendar days after the day that the search warrant
15 is issued.

16 (ii) After the expiration of the [15-day] 10-DAY period, the search
17 warrant is void.

18 ~~[(5)] (6)~~ The executing law enforcement officer shall give a copy of the
19 search warrant, the application, and the affidavit to an authorized occupant of the premises
20 searched or leave a copy of the search warrant, the application, and the affidavit at the
21 premises searched.

22 ~~[(6)] (7)~~ (i) The executing law enforcement officer shall prepare a
23 detailed search warrant return which shall include the date and time of the execution of the
24 search warrant.

25 (ii) The executing law enforcement officer shall:

26 1. give a copy of the search warrant return to an authorized
27 occupant of the premises searched or leave a copy of the return at the premises searched; and

28 2. file a copy of the search warrant return with the court in
29 person, by secure fax, or by secure electronic mail.

30 (8) (I) IN THIS PARAGRAPH, "EXIGENT CIRCUMSTANCES" RETAINS
31 ITS JUDICIALLY DETERMINED MEANING.

1 (II) WHILE EXECUTING A SEARCH WARRANT, A POLICE OFFICER
 2 SHALL BE CLEARLY RECOGNIZABLE AND IDENTIFIABLE AS A POLICE OFFICER,
 3 WEARING A UNIFORM, BADGE, AND TAG BEARING THE NAME AND IDENTIFICATION
 4 NUMBER OF THE POLICE OFFICER.

5 (III) 1. THIS SUBPARAGRAPH APPLIES TO A POLICE OFFICER
 6 WHOSE LAW ENFORCEMENT AGENCY REQUIRES THE USE OF BODY-WORN CAMERAS.

7 2. A POLICE OFFICER EXECUTING A SEARCH WARRANT
 8 SHALL USE A BODY-WORN CAMERA DURING THE COURSE OF THE SEARCH IN
 9 ACCORDANCE WITH THE POLICIES ESTABLISHED BY THE POLICE OFFICER'S LAW
 10 ENFORCEMENT AGENCY.

11 (IV) UNLESS EXECUTING A NO-KNOCK SEARCH WARRANT, A
 12 POLICE OFFICER SHALL ALLOW A MINIMUM OF 20 SECONDS FOR THE OCCUPANTS OF
 13 A RESIDENCE TO RESPOND AND OPEN THE DOOR BEFORE THE POLICE OFFICER
 14 ATTEMPTS TO ENTER THE RESIDENCE, ABSENT EXIGENT CIRCUMSTANCES.

15 (V) A POLICE OFFICER MAY NOT USE FLASHBANG, STUN,
 16 DISTRACTION, OR OTHER SIMILAR MILITARY-STYLE DEVICES WHEN EXECUTING A
 17 SEARCH WARRANT, ABSENT EXIGENT CIRCUMSTANCES.

18 Article – General Provisions

19 ~~4-101.~~

20 ~~(a) In this title the following words have the meanings indicated.~~

21 ~~(E) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3-101~~
 22 ~~OF THE PUBLIC SAFETY ARTICLE.~~

23 ~~(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN~~
 24 ~~INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES~~
 25 ~~THAT:~~

26 ~~(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF~~
 27 ~~THE PUBLIC AND THE INDIVIDUAL;~~

28 ~~(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,~~
 29 ~~ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND~~

30 ~~(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.~~

31 ~~4-311.~~

1 ~~(a) Subject to subsection (b) of this section, a custodian shall deny inspection of a~~
 2 ~~personnel record of an individual, including an application, a performance rating, or~~
 3 ~~scholastic achievement information.~~

4 ~~(b) A custodian shall allow inspection by:~~

5 ~~(1) the person in interest;~~

6 ~~(2) an elected or appointed official who supervises the work of the~~
 7 ~~individual; or~~

8 ~~(3) an employee organization described in Title 6 of the Education Article~~
 9 ~~of the portion of the personnel record that contains the individual's:~~

10 ~~(i) home address;~~

11 ~~(ii) home telephone number; and~~

12 ~~(iii) personal cell phone number.~~

13 ~~(c) (1) A EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
 14 ~~A RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF~~
 15 ~~MISCONDUCT BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 16 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 17 ~~DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS~~
 18 ~~SECTION.~~

19 ~~(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL~~
 20 ~~RECORD FOR THE PURPOSES OF THIS SECTION.~~

21 ~~4-351.~~

22 ~~(a) Subject to subsection (b) of this section, a custodian may deny inspection of:~~

23 ~~(1) records of investigations conducted by the Attorney General, a State's~~
 24 ~~Attorney, a municipal or county attorney, a police department, or a sheriff;~~

25 ~~(2) an investigatory file compiled for any other law enforcement, judicial,~~
 26 ~~correctional, or prosecution purpose; ~~or~~~~

27 ~~(3) records that contain intelligence information or security procedures of~~
 28 ~~the Attorney General, a State's Attorney, a municipal or county attorney, a police~~
 29 ~~department, a State or local correctional facility, or a sheriff; **OR**~~

1 ~~(4) RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,~~
 2 ~~RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT~~
 3 ~~BY A LAW ENFORCEMENT OFFICER, INCLUDING AN INTERNAL AFFAIRS~~
 4 ~~INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A~~
 5 ~~DISCIPLINARY DECISION.~~

6 (b) ~~A custodian may deny inspection by a person in interest only to the extent~~
 7 ~~that the inspection would:~~

8 (1) ~~interfere with a valid and proper law enforcement proceeding;~~

9 (2) ~~deprive another person of a right to a fair trial or an impartial~~
 10 ~~adjudication;~~

11 (3) ~~constitute an unwarranted invasion of personal privacy;~~

12 (4) ~~disclose the identity of a confidential source;~~

13 (5) ~~disclose an investigative technique or procedure;~~

14 (6) ~~prejudice an investigation; or~~

15 (7) ~~endanger the life or physical safety of an individual.~~

16 4-101.

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

18 (c) “Board” means the State Public Information Act Compliance Board.

19 (1) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THE
 20 PUBLIC SAFETY ARTICLE.

21 [(i)] (j) “Political subdivision” means:

22 (1) a county;

23 (2) a municipal corporation;

24 (3) an unincorporated town;

25 (4) a school district; or

26 (5) a special district.

1 **(i)(K)** (1) "Public record" means the original or any copy of any
2 documentary material that:

3 (i) is made by a unit or an instrumentality of the State or of a
4 political subdivision or received by the unit or instrumentality in connection with the
5 transaction of public business; and

6 (ii) is in any form, including:

7 1. a card;

8 2. a computerized record;

9 3. correspondence;

10 4. a drawing;

11 5. film or microfilm;

12 6. a form;

13 7. a map;

14 8. a photograph or photostat;

15 9. a recording; or

16 10. a tape.

17 (2) "Public record" includes a document that lists the salary of an employee
18 of a unit or an instrumentality of the State or of a political subdivision.

19 (3) "Public record" does not include a digital photographic image or
20 signature of an individual, or the actual stored data of the image or signature, recorded by
21 the Motor Vehicle Administration.

22 **(L) "TECHNICAL INFRACTION" MEANS A MINOR RULE VIOLATION BY AN**
23 **INDIVIDUAL SOLELY RELATED TO THE ENFORCEMENT OF ADMINISTRATIVE RULES**
24 **THAT:**

25 **(1) DOES NOT INVOLVE AN INTERACTION BETWEEN A MEMBER OF THE**
26 **PUBLIC AND THE INDIVIDUAL;**

27 **(2) DOES NOT RELATE TO THE INDIVIDUAL'S INVESTIGATIVE,**
28 **ENFORCEMENT, TRAINING, SUPERVISION, OR REPORTING RESPONSIBILITIES; AND**

1 **(3) IS NOT OTHERWISE A MATTER OF PUBLIC CONCERN.**

2 4-311.

3 (a) Subject to subsection (b) of this section, a custodian shall deny inspection of a
4 personnel record of an individual, including an application, a performance rating, or
5 scholastic achievement information.

6 (b) A custodian shall allow inspection by:

7 (1) the person in interest;

8 (2) an elected or appointed official who supervises the work of the
9 individual; or

10 (3) an employee organization described in Title 6 of the Education Article of
11 the portion of the personnel record that contains the individual's:

12 (i) home address;

13 (ii) home telephone number; and

14 (iii) personal cell phone number.

15 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
16 **RECORD RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF**
17 **MISCONDUCT BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS**
18 **INVESTIGATORY RECORD, A HEARING RECORD, AND RECORDS RELATING TO A**
19 **DISCIPLINARY DECISION, IS NOT A PERSONNEL RECORD FOR PURPOSES OF THIS**
20 **SECTION.**

21 **(2) A RECORD OF A TECHNICAL INFRACTION IS A PERSONNEL RECORD**
22 **FOR THE PURPOSES OF THIS SECTION.**

23 4-351.

24 (a) Subject to [subsection (b)] SUBSECTIONS (B), (C), AND (D) of this section, a
25 custodian may deny inspection of:

26 (1) records of investigations conducted by the Attorney General, a State's
27 Attorney, a municipal or county attorney, a police department, or a sheriff;

28 (2) an investigatory file compiled for any other law enforcement, judicial,
29 correctional, or prosecution purpose; [or]

1 (3) records that contain intelligence information or security procedures of
 2 the Attorney General, a State's Attorney, a municipal or county attorney, a police
 3 department, a State or local correctional facility, or a sheriff; OR

4 (4) **RECORDS, OTHER THAN A RECORD OF A TECHNICAL INFRACTION,**
 5 **RELATING TO AN ADMINISTRATIVE OR CRIMINAL INVESTIGATION OF MISCONDUCT**
 6 **BY A POLICE OFFICER, INCLUDING AN INTERNAL AFFAIRS INVESTIGATORY RECORD,**
 7 **A HEARING RECORD, AND RECORDS RELATING TO A DISCIPLINARY DECISION.**

8 (b) A custodian may deny inspection by a person in interest only to the extent that
 9 the inspection would:

10 (1) interfere with a valid and proper law enforcement proceeding;

11 (2) deprive another person of a right to a fair trial or an impartial
 12 adjudication;

13 (3) constitute an unwarranted invasion of personal privacy;

14 (4) disclose the identity of a confidential source;

15 (5) disclose an investigative technique or procedure;

16 (6) prejudice an investigation; or

17 (7) endanger the life or physical safety of an individual.

18 (C) **A CUSTODIAN SHALL ALLOW INSPECTION OF A RECORD DESCRIBED IN**
 19 **SUBSECTION (A)(4) OF THIS SECTION BY:**

20 (1) **THE UNITED STATES ATTORNEY;**

21 (2) **THE ATTORNEY GENERAL;**

22 (3) **THE STATE PROSECUTOR; OR**

23 (4) **THE STATE'S ATTORNEY FOR THE JURISDICTION RELEVANT TO**
 24 **THE RECORD.**

25 ~~(D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A~~
 26 ~~CUSTODIAN SHALL DENY INSPECTION OF A RECORD DESCRIBED IN SUBSECTION~~
 27 ~~(A)(4) OF THIS SECTION;~~

28 ~~(1) IF THE RECORD RELATES TO AN ACTIVE INVESTIGATION; OR~~

1 ~~(2) TO THE EXTENT THAT THE RECORD REFLECTS:~~

2 ~~(I) MEDICAL INFORMATION;~~

3 ~~(II) PERSONAL CONTACT INFORMATION OF THE PERSON IN~~
4 ~~INTEREST;~~

5 ~~(III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN~~
6 ~~INTEREST; OR~~

7 ~~(IV) WITNESS INFORMATION.~~

8 (D) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
9 CUSTODIAN:

10 (1) SHALL REDACT THE PORTIONS OF A RECORD DESCRIBED IN
11 SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS:

12 (I) MEDICAL INFORMATION OF THE PERSON IN INTEREST;

13 (II) PERSONAL CONTACT INFORMATION OF THE PERSON IN
14 INTEREST OR A WITNESS; OR

15 (III) INFORMATION RELATING TO THE FAMILY OF THE PERSON IN
16 INTEREST; AND

17 (2) MAY REDACT THE PORTION OF A RECORD DESCRIBED IN
18 SUBSECTION (A)(4) OF THIS SECTION TO THE EXTENT THAT THE RECORD REFLECTS
19 WITNESS INFORMATION OTHER THAN PERSONAL CONTACT INFORMATION.

20 (E) A CUSTODIAN SHALL NOTIFY THE PERSON IN INTEREST OF A RECORD
21 DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION WHEN THE RECORD IS
22 INSPECTED, BUT MAY NOT DISCLOSE THE IDENTITY OF THE REQUESTOR TO THE
23 PERSON IN INTEREST.

24 Article – Public Safety

25 3-523.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (2) “LAW ENFORCEMENT AGENCY” HAS THE MEANING STATED IN §
29 3-201 OF THIS TITLE.

1 (3) “NO-KNOCK SEARCH WARRANT” MEANS A SEARCH WARRANT
2 AUTHORIZING ENTRY INTO A BUILDING, AN APARTMENT, A PREMISES, A PLACE, OR A
3 THING TO BE SEARCHED WITHOUT GIVING NOTICE OF THE OFFICER’S AUTHORITY OR
4 PURPOSE.

5 (4) “POLICE OFFICER” HAS THE MEANING STATED IN § 3-201 OF THIS
6 TITLE.

7 (5) “SWAT TEAM” MEANS A SPECIAL UNIT COMPOSED OF TWO OR
8 MORE POLICE OFFICERS WITHIN A LAW ENFORCEMENT AGENCY TRAINED TO DEAL
9 WITH UNUSUALLY DANGEROUS OR VIOLENT SITUATIONS AND HAVING SPECIAL
10 EQUIPMENT AND WEAPONS, INCLUDING RIFLES MORE POWERFUL THAN THOSE
11 CARRIED BY REGULAR POLICE OFFICERS.

12 (B) A LAW ENFORCEMENT AGENCY SHALL REPORT THE FOLLOWING
13 INFORMATION RELATING TO SEARCH WARRANTS EXECUTED BY THE LAW
14 ENFORCEMENT AGENCY DURING THE PRIOR CALENDAR YEAR TO THE GOVERNOR’S
15 OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES USING THE FORMAT
16 DEVELOPED UNDER SUBSECTION (C) OF THIS SECTION:

17 (1) THE NUMBER OF TIMES A NO-KNOCK SEARCH WARRANT WAS
18 EXECUTED IN THE PREVIOUS YEAR;

19 (2) THE NAME OF THE COUNTY AND MUNICIPAL CORPORATION AND
20 THE ZIP CODE OF THE LOCATION WHERE EACH NO-KNOCK SEARCH WARRANT WAS
21 EXECUTED;

22 (3) FOR EACH SEARCH WARRANT EXECUTED, THE NUMBER OF DAYS
23 FROM THE ISSUANCE UNTIL THE EXECUTION OF THE SEARCH WARRANT,
24 DISAGGREGATED BY WHETHER THE SEARCH WARRANT WAS A NO-KNOCK SEARCH
25 WARRANT;

26 (4) THE LEGAL BASIS FOR EACH NO-KNOCK SEARCH WARRANT
27 ISSUED;

28 (5) THE NUMBER OF TIMES A SEARCH WARRANT WAS EXECUTED
29 UNDER CIRCUMSTANCES IN WHICH A POLICE OFFICER MADE FORCIBLE ENTRY INTO
30 THE BUILDING, APARTMENT, PREMISES, PLACE, OR THING TO BE SEARCHED
31 SPECIFIED IN THE WARRANT;

32 (6) THE NUMBER OF TIMES A SWAT TEAM WAS DEPLOYED TO
33 EXECUTE A SEARCH WARRANT;

1 **(7) THE NUMBER OF ARRESTS MADE, IF ANY, DURING THE EXECUTION**
2 **OF A SEARCH WARRANT;**

3 **(8) THE NUMBER OF TIMES PROPERTY WAS SEIZED DURING THE**
4 **EXECUTION OF A SEARCH WARRANT;**

5 **(9) THE NUMBER OF TIMES A WEAPON WAS DISCHARGED BY A POLICE**
6 **OFFICER DURING THE EXECUTION OF A SEARCH WARRANT; AND**

7 **(10) THE NUMBER OF TIMES A PERSON OR DOMESTIC ANIMAL WAS**
8 **INJURED OR KILLED DURING THE EXECUTION OF A SEARCH WARRANT,**
9 **DISAGGREGATED BY WHETHER THE PERSON OR ANIMAL WAS INJURED OR KILLED BY**
10 **A POLICE OFFICER.**

11 **(C) THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION, IN**
12 **CONSULTATION WITH THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,**
13 **AND VICTIM SERVICES, SHALL DEVELOP A STANDARDIZED FORMAT FOR EACH LAW**
14 **ENFORCEMENT AGENCY TO USE IN REPORTING DATA TO THE GOVERNOR'S OFFICE**
15 **OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES UNDER SUBSECTION (B) OF**
16 **THIS SECTION.**

17 **(D) A LAW ENFORCEMENT AGENCY SHALL:**

18 **(1) COMPILE THE DATA DESCRIBED IN SUBSECTION (B) OF THIS**
19 **SECTION FOR EACH 1-YEAR PERIOD AS A REPORT IN THE FORMAT REQUIRED UNDER**
20 **SUBSECTION (C) OF THIS SECTION; AND**

21 **(2) NOT LATER THAN JANUARY 15 EACH YEAR, SUBMIT THE REPORT**
22 **TO:**

23 **(I) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH,**
24 **AND VICTIM SERVICES; AND**

25 **(II) 1. THE LOCAL GOVERNING BODY OF THE JURISDICTION**
26 **SERVED BY THE LAW ENFORCEMENT AGENCY THAT IS THE SUBJECT OF THE REPORT;**
27 **OR**

28 **2. IF THE JURISDICTION SERVED BY THE LAW**
29 **ENFORCEMENT AGENCY IS A MUNICIPAL CORPORATION, THE CHIEF EXECUTIVE**
30 **OFFICER OF THE JURISDICTION.**

31 **(E) (1) THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND**
32 **VICTIM SERVICES SHALL ANALYZE AND SUMMARIZE THE REPORTS OF LAW**
33 **ENFORCEMENT AGENCIES SUBMITTED UNDER SUBSECTION (D) OF THIS SECTION.**

1 **(2) BEFORE SEPTEMBER 1 EACH YEAR, THE GOVERNOR'S OFFICE OF**
2 **CRIME PREVENTION, YOUTH, AND VICTIM SERVICES SHALL:**

3 **(I) SUBMIT A REPORT OF THE ANALYSES AND SUMMARIES OF**
4 **THE REPORTS OF LAW ENFORCEMENT AGENCIES DESCRIBED IN PARAGRAPH (1) OF**
5 **THIS SUBSECTION TO THE GOVERNOR, EACH LAW ENFORCEMENT AGENCY, AND, IN**
6 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL**
7 **ASSEMBLY; AND**

8 **(II) PUBLISH THE REPORT ON ITS WEBSITE.**

9 **(F) (1) IF A LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
10 **REPORTING PROVISIONS OF THIS SECTION, THE GOVERNOR'S OFFICE OF CRIME**
11 **PREVENTION, YOUTH, AND VICTIM SERVICES SHALL REPORT THE NONCOMPLIANCE**
12 **TO THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION.**

13 **(2) ON RECEIPT OF A REPORT OF NONCOMPLIANCE, THE MARYLAND**
14 **POLICE TRAINING AND STANDARDS COMMISSION SHALL CONTACT THE LAW**
15 **ENFORCEMENT AGENCY AND REQUEST THAT THE AGENCY COMPLY WITH THE**
16 **REQUIRED REPORTING PROVISIONS.**

17 **(3) IF THE LAW ENFORCEMENT AGENCY FAILS TO COMPLY WITH THE**
18 **REQUIRED REPORTING PROVISIONS OF THIS SECTION WITHIN 30 DAYS AFTER BEING**
19 **CONTACTED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION**
20 **WITH A REQUEST TO COMPLY, THE GOVERNOR'S OFFICE OF CRIME PREVENTION,**
21 **YOUTH, AND VICTIM SERVICES AND THE MARYLAND POLICE TRAINING AND**
22 **STANDARDS COMMISSION JOINTLY SHALL REPORT THE NONCOMPLIANCE TO THE**
23 **GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL**
24 **ASSEMBLY.**

25 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
26 to apply prospectively to any Public Information Act request made on or after the effective
27 date of this Act regardless of when the record requested to be produced was created.

28 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2021.