

Chapter 88

(House Bill 120)

AN ACT concerning

Law Enforcement Officers – Unsubstantiated Complaints – Admissibility

FOR the purpose of providing that evidence of a certain complaint against a law enforcement officer is not admissible in a certain proceeding if the complaint resulted in a certain outcome; and generally relating to the admissibility of evidence relating to a law enforcement officer.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–110
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

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

Article – Public Safety

3–110.

(A) On written request, a law enforcement officer may have expunged from any file the record of a formal complaint made against the law enforcement officer if:

- (1) (i) the law enforcement agency that investigated the complaint:
1. exonerated the law enforcement officer of all charges in the complaint; or
 2. determined that the charges were unsubstantiated or unfounded; or

(ii) a hearing board acquitted the law enforcement officer, dismissed the action, or made a finding of not guilty; and

(2) at least 3 years have passed since the final disposition by the law enforcement agency or hearing board.

(B) EVIDENCE OF A FORMAL COMPLAINT AGAINST A LAW ENFORCEMENT OFFICER IS NOT ADMISSIBLE IN AN ADMINISTRATIVE OR

JUDICIAL PROCEEDING IF THE COMPLAINT RESULTED IN AN OUTCOME LISTED IN SUBSECTION (A)(1) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, April 13, 2010.