

(House Bill 761)

AN ACT concerning

## Law Enforcement Agencies - Officers' Files

FOR the purpose of allowing law enforcement officers, under certain conditions, to clear their records of complaints for which the officers have been cleared.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments  
Section 728(b)(12)  
Annotated Code of Maryland  
(1976 Replacement Volume and 1980 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

## Article 27 - Crimes and Punishments

728.

(b) Whenever a law-enforcement officer is under investigation or subjected to interrogation by a law-enforcement agency, for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted under the following conditions:

(12) (I) A law-enforcement agency may not insert any adverse material into any file of the officer, except the file of the internal investigation or the intelligence division, unless the officer has an opportunity to review, sign, receive a copy of, and comment in writing upon the adverse material, unless the officer waives these rights.

(II) A LAW ENFORCEMENT OFFICER, UPON WRITTEN REQUEST, MAY HAVE ANY RECORD OF A FORMAL COMPLAINT MADE AGAINST HIM EXPUNGED FROM ANY FILE IF:

1. THE LAW ENFORCEMENT AGENCY INVESTIGATING THE COMPLAINT HAS EXONERATED THE OFFICER OF ALL CHARGES IN THE COMPLAINT, OR DETERMINED THAT THE CHARGES WERE UNSUSTAINED OR UNFOUNDED; AND

2. 2 3 YEARS HAVE PASSED SINCE THE FINDINGS BY THE LAW ENFORCEMENT AGENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1981.

Approved May 12, 1981.