

HB 2936 B STAFF MEASURE SUMMARY**Carrier:** Sen. Manning Jr**Senate Committee On Judiciary and Ballot Measure 110
Implementation****Action Date:** 05/24/21**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 4-3-0-0**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski**Nays:** 3 - Heard, Linthicum, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 5/11, 5/12, 5/24**WHAT THE MEASURE DOES:**

Makes findings that racism has no place in public safety and that law enforcement officers hold a unique position in our community. Finds that membership or participation in hate groups, racial supremacist organizations, militant groups, or the display of such symbols erodes public trust in law enforcement. Requires Department of Public Safety Standards and Training (DPSST) to create a statewide uniform background checklist and standardized personal history questionnaire for use by law enforcement units in hiring process. Must include a description of investigation, including information about: a psychiatric or psychological evaluation of the applicant and evaluator's assessment of applicant's tendencies, feelings, and opinions on diverse cultures, races, and ethnicities and differing social, political, economic, and life statuses; investigation into applicant's finances; and identification of at least three references provided by the applicant and interviewed by law enforcement unit. Requires law enforcement units to adopt policies setting standards for speech and expression by officers in and out of course and scope of employment. Applies to all forms of speech and expression. Specifies that policies must not violate constitutional rights to free speech and expression. Requires sharing of employment information of applicant when request is made in writing and accompanied by a notarized authorization of applicant releasing employer from liability. Specifies information shared is confidential except that it can be disclosed to another law enforcement agency conducting a background check for the purpose of hiring the applicant. Requires other agency to independently verify information contained in shared employment information. Exempts law enforcement units from employer prohibitions relating to social media access. Delays any requirement that uniform background checklist and standardized personal history questionnaire be used in hiring of corrections officers until July 1, 2023.

ISSUES DISCUSSED:

- Constitutionality of restrictions on speech
- Concerns with discrimination based on religious beliefs or prior statements
- Current background check process for law enforcement officers
- Use and ramifications of psychological screening tool
- Development of screening tool by Department of Corrections

EFFECT OF AMENDMENT:

Delays any requirement that uniform background checklist and standardized personal history questionnaire be used in hiring of corrections officers until July 1, 2023.

BACKGROUND:

Before attending the basic police training at the Department of Public Safety Standards and Training (DPSST), recruits must be hired by a law enforcement agency. The agency subjects the recruit to background checks,

This summary has not been adopted or officially endorsed by action of the committee.

HB 2936 B STAFF MEASURE SUMMARY

psychological checks, and physical minimum checks as part of the employment process.

House Bill 2936 B makes findings, including that racism has no place in public safety. The measure then requires DPSST to develop a uniform statewide background check form with consistent checklist, standardized personal history questionnaires for use by law enforcement agencies in hiring, and reference checks. HB 2936 B also requires law enforcement agencies to develop policies setting standards for speech and conduct by officers. The measure sets parameters on sharing nonlaw enforcement employment information as part of the background check process and exempts law enforcement units from existing employer prohibitions on accessing employee's social media content.