

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 1095  
Judiciary

(Delegate Carter, *et al.*)

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Law Enforcement Officers - Disciplinary Actions - Written Policy

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This bill requires that, under the Law Enforcement Officers' Bill of Rights (LEOBOR), by January 1, 2014, each law enforcement agency must adopt a written policy and procedure to govern disciplinary actions that may be taken against a law enforcement officer in that agency. Each written policy must include a listing and description of potential violations and the mandatory and discretionary disciplinary action options for each violation. A law enforcement officer must be disciplined in accordance with the written policy, unless the hearing board or law enforcement agency states in detail the reasons for any departure from the written policy and procedure. A law enforcement agency that takes disciplinary action against a law enforcement officer in accordance with these provisions must post a monthly summary of disciplinary actions on the Internet.

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Fiscal Summary

**State Effect:** While the bill may cause some operational adjustments for some State law enforcement agencies, its requirements can be handled with existing budgeted resources. Most agencies currently have written policies in some form.

**Local Effect:** While the bill may cause some operational adjustments for some local law enforcement agencies, its requirements can be handled with existing budgeted resources. Most agencies currently have written policies in some form.

**Small Business Effect:** None.

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## Analysis

**Current Law:** LEOBOR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 23 specified State and local agencies. It does not grant collective bargaining rights.

When a LEOBOR investigation or interrogation results in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar action that is considered punitive, the law enforcement officer is entitled to a hearing on the issues prior to the imposition of the disciplinary action. The hearing board process is bifurcated. First, the board meets to determine guilt. If the officer is found guilty of the charges, a second hearing is held to determine the level of discipline.

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### Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Charles, Frederick, and Montgomery counties; Town of Bel Air; Town of Leonardtown; City of Salisbury; Department of Natural Resources; Department of General Services; Judiciary (Administrative Office of the Courts); Office of Administrative Hearings; Department of Public Safety and Correctional Services; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2013  
mlm/lgc

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