

SENATE BILL 436

E2

4r1878
CF 4r2460

By: **Senator Frosh**

Introduced and read first time: January 24, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officer Bill of Rights – Hearing Board – Exclusion of**
3 **Evidence**

4 FOR the purpose of requiring a certain hearing board to exclude certain evidence
5 obtained during an investigation or interrogation by a law enforcement agency
6 of a law enforcement officer under certain circumstances; and generally relating
7 to the Law Enforcement Officer Bill of Rights.

8 BY repealing and reenacting, without amendments,
9 Article – Public Safety
10 Section 3–107(a)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Public Safety
15 Section 3–107(f)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2013 Supplement)

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

20 **Article – Public Safety**

21 3–107.

22 (a) (1) Except as provided in paragraph (2) of this subsection and § 3–111
23 of this subtitle, if the investigation or interrogation of a law enforcement officer results
24 in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or
25 similar action that is considered punitive, the law enforcement officer is entitled to a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 hearing on the issues by a hearing board before the law enforcement agency takes that
2 action.

3 (2) A law enforcement officer who has been convicted of a felony is not
4 entitled to a hearing under this section.

5 (f) (1) Evidence with probative value that is commonly accepted by
6 reasonable and prudent individuals in the conduct of their affairs is admissible and
7 shall be given probative effect.

8 (2) The hearing board shall give effect to the rules of privilege
9 recognized by law and shall exclude:

10 (I) incompetent, irrelevant, immaterial, and unduly repetitious
11 evidence; AND

12 (II) EVIDENCE OBTAINED IN VIOLATION OF § 3-104 OF THIS
13 SUBTITLE.

14 (3) Each record or document that a party desires to use shall be
15 offered and made a part of the record.

16 (4) Documentary evidence may be received in the form of copies or
17 excerpts, or by incorporation by reference.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2014.