

Chapter 165

(Senate Bill 436)

AN ACT concerning

Law Enforcement ~~Officer~~ Officers' Bill of Rights – ~~Hearing Board~~ Exclusion of Evidence Show Cause Order – Appropriate Relief

FOR the purpose of ~~requiring a certain hearing board to exclude certain evidence obtained during an investigation or interrogation by~~ requiring a certain court to grant appropriate relief on a finding that a law enforcement agency ~~of a law enforcement officer~~ obtained evidence in violation of a certain right or law under certain circumstances; and generally relating to the Law Enforcement ~~Officer~~ Officers' Bill of Rights.

~~BY repealing and reenacting, without amendments,
Article – Public Safety
Section ~~3-107(a)~~
Annotated Code of Maryland
(~~2011 Replacement Volume and 2013 Supplement~~)~~

BY repealing and reenacting, with amendments,
Article – Public Safety
Section ~~3-107(f)~~ 3-105
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

Article – Public Safety

~~3-107.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection and § 3-111 of this subtitle, if the investigation or interrogation of a law enforcement officer 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 by a hearing board before the law enforcement agency takes that action.~~

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

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

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

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

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

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

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

3-105.

(a) A law enforcement officer who is denied a right granted by this subtitle may apply to the circuit court of the county where the law enforcement officer is regularly employed for an order that directs the law enforcement agency to show cause why the right should not be granted.

(b) The law enforcement officer may apply for the show cause order:

(1) either individually or through the law enforcement officer's certified or recognized employee organization; and

(2) at any time prior to the beginning of a hearing by the hearing board.

(C) ON A FINDING THAT A LAW ENFORCEMENT AGENCY OBTAINED EVIDENCE AGAINST A LAW ENFORCEMENT OFFICER IN VIOLATION OF A RIGHT GRANTED BY THIS SUBTITLE, THE COURT SHALL GRANT APPROPRIATE RELIEF.

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

Approved by the Governor, April 14, 2014.