

HOUSE BILL 154

E4

6lr1652

By: **Delegate Cluster**

Introduced and read first time: January 20, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Administrative Hearing**
3 **– Reimbursement of Costs and Fees**

4 FOR the purpose of requiring under the Law Enforcement Officers' Bill of Rights that a
5 hearing board award certain costs and fees to a law enforcement officer under certain
6 circumstances; and generally relating to administrative hearings under the Law
7 Enforcement Officers' Bill of Rights.

8 BY repealing and reenacting, with amendments,
9 Article – Public Safety
10 Section 3–108(a)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2015 Supplement)

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

15 **Article – Public Safety**

16 3–108.

17 (a) (1) A decision, order, or action taken as a result of a hearing under § 3–107
18 of this subtitle shall be in writing and accompanied by findings of fact.

19 (2) The findings of fact shall consist of a concise statement on each issue in
20 the case.

21 (3) **(I)** A finding of not guilty terminates the action.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) FOLLOWING A FINDING OF NOT GUILTY THAT TERMINATES**
2 **THE ACTION, THE HEARING BOARD SHALL AWARD TO THE LAW ENFORCEMENT**
3 **OFFICER THOSE DOCUMENTED REASONABLE COSTS AND FEES, INCLUDING**
4 **ATTORNEY'S FEES, INCURRED BY THE LAW ENFORCEMENT OFFICER OR THE LAW**
5 **ENFORCEMENT OFFICER'S REPRESENTATIVE AS A RESULT OF THE INVESTIGATION**
6 **AND HEARING.**

7 (4) If the hearing board makes a finding of guilt, the hearing board shall:

8 (i) reconvene the hearing;

9 (ii) receive evidence; and

10 (iii) consider the law enforcement officer's past job performance and
11 other relevant information as factors before making recommendations to the chief.

12 (5) A copy of the decision or order, findings of fact, conclusions, and written
13 recommendations for action shall be delivered or mailed promptly to:

14 (i) the law enforcement officer or the law enforcement officer's
15 counsel or representative of record; and

16 (ii) the chief.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2016.