

# HOUSE BILL 649

E4

6lr3079

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By: **Delegate Anderson (By Request – Baltimore City Administration)**

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Extension of Time for Review and**  
3 **Final Order by Chief**

4 FOR the purpose of altering the period of time that a chief of a law enforcement agency has  
5 to review the findings, conclusions, and recommendations of a hearing board and  
6 issue a final order under the Law Enforcement Officers' Bill of Rights; and generally  
7 relating to the Law Enforcement Officers' Bill of Rights.

8 BY repealing and reenacting, with amendments,  
9 Article – Public Safety  
10 Section 3–108(d)  
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 (d) (1) Within [30] **60** days after receipt of the recommendations of the hearing  
18 board, the chief shall:

19 (i) review the findings, conclusions, and recommendations of the  
20 hearing board; and

21 (ii) issue a final order.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (2)     The final order and decision of the chief is binding and then may be  
2 appealed in accordance with § 3-109 of this subtitle.

3                   (3)     The recommendation of a penalty by the hearing board is not binding  
4 on the chief.

5                   (4)     The chief shall consider the law enforcement officer's past job  
6 performance as a factor before imposing a penalty.

7                   (5)     The chief may increase the recommended penalty of the hearing board  
8 only if the chief personally:

9                             (i)     reviews the entire record of the proceedings of the hearing board;

10                            (ii)    meets with the law enforcement officer and allows the law  
11 enforcement officer to be heard on the record;

12                            (iii)   discloses and provides in writing to the law enforcement officer,  
13 at least 10 days before the meeting, any oral or written communication not included in the  
14 record of the hearing board on which the decision to consider increasing the penalty is  
15 wholly or partly based; and

16                            (iv)   states on the record the substantial evidence relied on to support  
17 the increase of the recommended penalty.

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