E4 6lr1651

By: Delegates Cluster, Arentz, Aumann, Folden, S. Howard, Malone, McConkey, and McKay

Introduced and read first time: February 4, 2016

Assigned to: Judiciary

A BILL ENTITLED

	A TAT	A OM	•
L	AN	ACT	concerning

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Law Enforcement Officers' Bill of Rights - Hearing Board - Final Order

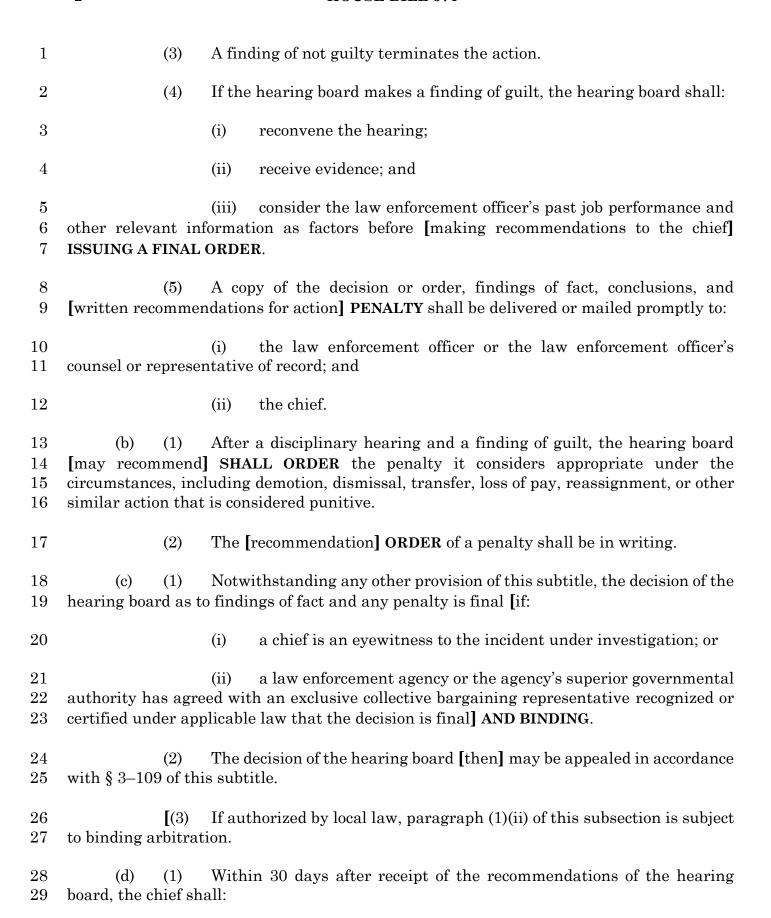
- 3 FOR the purpose of altering the Law Enforcement Officers' Bill of Rights to require that a 4 hearing board issue a final order following a finding of guilt in an administrative 5 hearing rather than provide findings and make recommendations; repealing certain exceptions authorizing a hearing board to issue a final order only under certain 6 7 circumstances; repealing the requirement that a chief law enforcement officer issue 8 a final order consistent with certain procedural requirements and within a certain 9 time; providing for the application of this Act; and generally relating to 10 administrative hearings and penalties under the Law Enforcement Officers' Bill of 11 Rights.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Public Safety
- 14 Section 3–108
- 15 Annotated Code of Maryland
- 16 (2011 Replacement Volume and 2015 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 18 That the Laws of Maryland read as follows:

19 Article – Public Safety

- 20 3–108.
- 21 (a) (1) A decision, order, or action taken as a result of a hearing under § 3–107 22 of this subtitle shall be in writing and accompanied by findings of fact.
- 23 (2) The findings of fact shall consist of a concise statement on each issue in 24 the case.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.





$\frac{1}{2}$	(i) review the findings, conclusions, and recommendations of the hearing board; and
3	(ii) issue a final order.
4 5	(2) The final order and decision of the chief is binding and then may be appealed in accordance with \S 3–109 of this subtitle.
6 7	(3) The recommendation of a penalty by the hearing board is not binding on the chief.
8 9	(4) The chief shall consider the law enforcement officer's past job performance as a factor before imposing a penalty.
10 11	(5) The chief may increase the recommended penalty of the hearing board only if the chief personally:
12	(i) reviews the entire record of the proceedings of the hearing board;
13 14	(ii) meets with the law enforcement officer and allows the law enforcement officer to be heard on the record;
15 16 17 18	(iii) discloses and provides in writing to the law enforcement officer, at least 10 days before the meeting, any oral or written communication not included in the record of the hearing board on which the decision to consider increasing the penalty is wholly or partly based; and
19 20	(iv) states on the record the substantial evidence relied on to support the increase of the recommended penalty.]
21 22 23 24	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement in effect before the effective date of this Act.
25	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

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October 1, 2016.