

HOUSE BILL 1382

E4

9lr3294

By: **Delegates Clippinger and Barron**

Introduced and read first time: February 21, 2019

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 25, 2019

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2019

CHAPTER _____

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Hearing by Hearing Board Officers –**
3 **Public Information**

4 FOR the purpose of requiring that, if a certain trial board hearing is open to the public,
5 certain ~~advance notice of the hearing shall be given to the public, a certain agenda~~
6 ~~shall be made available to the public, and a certain record of the hearing shall be~~
7 ~~provided to a member of the public on request~~ notice, information, and items shall
8 be provided to the public under certain circumstances; requiring that a certain
9 complainant be provided with certain information at a certain time if a complaint is
10 filed against a law enforcement officer involved in a death; and generally relating to
11 ~~hearing boards under the Law Enforcement Officers' Bill of Rights~~ public
12 information regarding law enforcement officers.

13 BY repealing and reenacting, without amendments,

14 Article – Public Safety

15 Section 3–107(a), (e), and (j) and 3–202

16 Annotated Code of Maryland

17 (2018 Replacement Volume)

18 BY adding to

19 Article – Public Safety

20 Section 3–107(k)

21 Annotated Code of Maryland

22 (2018 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,

2 Article – Public Safety

3 Section 3–207(f)

4 Annotated Code of Maryland

5 (2018 Replacement Volume)

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

8 **Article – Public Safety**

9 3–107.

10 (a) (1) Except as provided in paragraph (2) of this subsection and § 3–111 of
11 this subtitle, if the investigation or interrogation of a law enforcement officer results in a
12 recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar
13 action that is considered punitive, the law enforcement officer is entitled to a hearing on
14 the issues by a hearing board before the law enforcement agency takes that action.

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

17 (e) (1) The hearing shall be:

18 (i) conducted by a hearing board; and

19 (ii) open to the public, unless the chief finds a hearing must be closed
20 for good cause, including to protect a confidential informant, an undercover officer, or a
21 child witness.

22 (2) The hearing board shall give the law enforcement agency and law
23 enforcement officer ample opportunity to present evidence and argument about the issues
24 involved.

25 (3) The law enforcement agency and law enforcement officer may be
26 represented by counsel.

27 (4) Each party has the right to cross-examine witnesses who testify and
28 each party may submit rebuttal evidence.

29 (j) An official record, including testimony and exhibits, shall be kept of the
30 hearing.

31 **(K) IF THE HEARING IS OPEN TO THE PUBLIC:**

1 (1) ADVANCE NOTICE OF THE HEARING SHALL BE GIVEN TO THE
2 PUBLIC IN ACCORDANCE WITH § 3-302 OF THE GENERAL PROVISIONS ARTICLE;

3 (2) AN AGENDA SHALL BE MADE AVAILABLE TO THE PUBLIC IN
4 ACCORDANCE WITH § 3-302.1 OF THE GENERAL PROVISIONS ARTICLE; ~~AND~~

5 (3) ~~THE OFFICIAL RECORD OF THE HEARING, INCLUDING THE~~
6 ~~DECISION OF THE HEARING BOARD, IF REQUESTED WITHIN 10 DAYS AFTER THE~~
7 ~~HEARING, AN AUDIO RECORDING OF THE HEARING SHALL BE PROVIDED FREE OF~~
8 ~~CHARGE TO A MEMBER OF THE PUBLIC ON REQUEST, IN ACCORDANCE WITH THE~~
9 ~~PROCEDURES SET FORTH IN TITLE 4, SUBTITLE 2 OF THE GENERAL PROVISIONS~~
10 ~~ARTICLE; AND~~

11 (4) AFTER FINAL ACTION IS TAKEN BY THE HEAD OF THE LAW
12 ENFORCEMENT AGENCY, THE FINDINGS OF FACT SHALL BE PROVIDED TO A MEMBER
13 OF THE PUBLIC ON REQUEST.

14 3-202.

15 There is a Maryland Police Training and Standards Commission, which is an
16 independent commission that functions in the Department.

17 3-207.

18 (f) (1) The Commission shall develop a uniform citizen complaint process to
19 be followed by each law enforcement agency.

20 (2) The uniform complaint process shall:

21 (i) be simple;

22 (ii) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, require
23 that a complainant be informed of the final disposition of the complainant's complaint and
24 any discipline imposed as a result; and

25 (iii) be posted on the websites of the Commission and each law
26 enforcement agency.

27 (3) IF A COMPLAINT IS FILED AGAINST A LAW ENFORCEMENT
28 OFFICER INVOLVED IN A DEATH, AFTER FINAL ACTION IS TAKEN BY THE HEAD OF
29 THE LAW ENFORCEMENT AGENCY, THE COMPLAINANT, ON WRITTEN REQUEST,
30 SHALL BE PROVIDED WITH, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN
31 TITLE 4, SUBTITLE 2 OF THE GENERAL PROVISIONS ARTICLE;

1 **(I) THE FINDINGS OF FACT OF ANY HEARING BOARD THAT WAS**
2 **HELD; AND**

3 **(II) A LIST OF SUSTAINED CHARGES FILED BY THE LAW**
4 **ENFORCEMENT AGENCY AGAINST THE LAW ENFORCEMENT OFFICER INVOLVING USE**
5 **OF EXCESSIVE FORCE OR VIOLATION OF CONSTITUTIONAL RIGHTS, BY DATE,**
6 **CHARGE, FINDING, AND DISCIPLINARY ACTION TAKEN.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.