

SB0178/663225/1

BY: Senator Beidle

AMENDMENT TO SENATE BILL 178, AS AMENDED

On page 2 of the Judicial Proceedings Committee Amendments (SB0178/848971/1), in line 2 of Amendment No. 2, strike "PARAGRAPH" and substitute "PARAGRAPHS"; in the same line, after "(2)" insert ", (3), AND (4)"; and in line 5, after "SECTION." insert:

"(3) A RECORD UNDER PARAGRAPH (1) OF THIS SUBSECTION IS A PERSONNEL RECORD FOR THE PURPOSES OF THIS SECTION WHEN:

(I) AN INVESTIGATION, HEARING BOARD, THIRD-PARTY NEUTRAL, OR OTHER AUTHORITY WITH JURISDICTION OVER THE MATTER DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT THE INFRACTION DID NOT OCCUR; OR

(II) AN INVESTIGATION, HEARING BOARD, THIRD-PARTY NEUTRAL, OR OTHER AUTHORITY WITH JURISDICTION OVER THE MATTER DETERMINES THAT THERE IS INSUFFICIENT EVIDENCE TO PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE INFRACTION DID OCCUR.

(4) ANY RECORD RELATING TO AN INVESTIGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT WAS ADJUDICATED, CLOSED, COMPLETED, OR OTHERWISE RESULTED IN DISCIPLINARY ACTION ON OR BEFORE OCTOBER 1, 2021, IS A PERSONNEL RECORD."