

HOUSE BILL 525

E4

1lr0459

By: **Delegate Morgan**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Law Enforcement Hearing Board – Civilian Members**

3 FOR the purpose of providing that in St. Mary's County, a certain hearing board may
4 include a certain number of voting or nonvoting members of the public who have
5 received certain training; and generally relating to law enforcement hearing boards
6 in St. Mary's County.

7 BY repealing and reenacting, without amendments,
8 Article – Public Safety
9 Section 3–107(a)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 3–107(c)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 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 3–107.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (c) (1) Except as provided in paragraph (5) of this subsection and in § 3–111 of
4 this subtitle, the hearing board authorized under this section shall consist of at least three
5 voting members who:

6 (i) are appointed by the chief and chosen from law enforcement
7 officers within that law enforcement agency, or from law enforcement officers of another
8 law enforcement agency with the approval of the chief of the other agency; and

9 (ii) have had no part in the investigation or interrogation of the law
10 enforcement officer.

11 (2) At least one member of the hearing board shall be of the same rank as
12 the law enforcement officer against whom the complaint is filed.

13 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a chief
14 may appoint, as a nonvoting member of the hearing board, one member of the public who
15 has received training administered by the Maryland Police Training and Standards
16 Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police
17 procedures.

18 (ii) If authorized by local law, a hearing board formed under
19 paragraph (1) of this subsection may include up to two voting or nonvoting members of the
20 public who have received training administered by the Maryland Police Training and
21 Standards Commission on the Law Enforcement Officers' Bill of Rights and matters
22 relating to police procedures.

23 (iii) At the Johns Hopkins University, if authorized by local law, a
24 hearing board formed under paragraph (1) of this subsection shall include two voting
25 members of the public who have received training administered by the Maryland Police
26 Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and
27 matters relating to police procedures.

28 **(IV) IN ST. MARY'S COUNTY, A HEARING BOARD FORMED UNDER**
29 **PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR**
30 **NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED AT LEAST 40 HOURS OF**
31 **TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS**
32 **COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND**
33 **MATTERS RELATING TO POLICE PROCEDURES.**

34 (4) (i) If the chief is the law enforcement officer under investigation, the
35 chief of another law enforcement agency in the State shall function as the law enforcement
36 officer of the same rank on the hearing board.

1 (ii) If the chief of a State law enforcement agency is under
2 investigation, the Governor shall appoint the chief of another law enforcement agency to
3 function as the law enforcement officer of the same rank on the hearing board.

4 (iii) If the chief of a law enforcement agency of a county or municipal
5 corporation is under investigation, the official authorized to appoint the chief's successor
6 shall appoint the chief of another law enforcement agency to function as the law
7 enforcement officer of the same rank on the hearing board.

8 (iv) If the chief of a State law enforcement agency or the chief of a
9 law enforcement agency of a county or municipal corporation is under investigation, the
10 official authorized to appoint the chief's successor, or that official's designee, shall function
11 as the chief for purposes of this subtitle.

12 (5) (i) 1. A law enforcement agency or the agency's superior
13 governmental authority that has recognized and certified an exclusive collective bargaining
14 representative may negotiate with the representative an alternative method of forming a
15 hearing board.

16 2. A hearing board formed under this paragraph may include
17 up to two voting or nonvoting members of the public, appointed by the chief, who have
18 received training administered by the Maryland Police Training and Standards
19 Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police
20 procedures.

21 (ii) A law enforcement officer may elect the alternative method of
22 forming a hearing board if:

23 1. the law enforcement officer works in a law enforcement
24 agency described in subparagraph (i) of this paragraph; and

25 2. the law enforcement officer is included in the collective
26 bargaining unit.

27 (iii) The law enforcement agency shall notify the law enforcement
28 officer in writing before a hearing board is formed that the law enforcement officer may
29 elect an alternative method of forming a hearing board if one has been negotiated under
30 this paragraph.

31 (iv) If the law enforcement officer elects the alternative method, that
32 method shall be used to form the hearing board.

33 (v) An agency or exclusive collective bargaining representative may
34 not require a law enforcement officer to elect an alternative method of forming a hearing
35 board.

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1 (vi) If the law enforcement officer has been offered summary
2 punishment, an alternative method of forming a hearing board may not be used.

3 (vii) If authorized by local law, this paragraph is subject to binding
4 arbitration.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.