



**State of Maryland**  
**Department of State Police**  
Government Affairs Section  
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**POSITION ON PROPOSED LEGISLATION**

**DATE:** February 9, 2021

**BILL NUMBER:** House Bill 151      **POSITION:** Letter of Concern

**BILL TITLE:** Law Enforcement Officers' Bill of Rights - Repeal

This legislation seeks to repeal the Law Enforcement Officers' Bill of Rights (LEOBR).

Under current law, discipline law by enforcement agencies of their law enforcement officers has been regulated by the LEOBR since the mid 1970s. The LEOBR was established to set in law a uniform system for discipline of misconduct by law enforcement officers regardless of what agency the officer worked for. The LEOBR, as it is titled, may mislead as to its purpose. It is not a set of "rights" for law enforcement officers, but rather a prescribed course that discipline must follow.

Without LEOBR, a chief of a law enforcement agency would be able to conduct discipline in any manner they determined to be appropriate. In essence it would create a unique process for each of the 148 law enforcement agencies in the State. Whereas currently, all officers, regardless of employer are treated with the same process. Without LEOBR, a chief could reassign, demote terminate or refuse to discipline any officer without regard to justification.

The Department agrees that the LEOBR needs to be changed, but not repealed in its entirety. The Department would like to see that officers maintain due process rights for any administrative complaints made against them, the right to counsel, the options for summary punishment, and the ability to be compelled to submit to an interrogation, just to name a few provisions. However, if an officer is convicted of a criminal offense (non-traffic) or receives a PBJ, the chief should be able to terminate the employee without a hearing board. There are a number of changes that could improve the disciplinary process for officers, but the MSP believes there should be one process in law for every agency to follow.