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By: **Delegate DeCarlo**

Introduced and read first time: February 7, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights - Hearing Boards**

3 FOR the purpose of requiring that a chief of a law enforcement agency with less than  
4 a certain number of law enforcement officers convene a hearing board composed  
5 of law enforcement officers from another agency with the approval of the chief of  
6 the other agency; and generally relating to the composition of hearing boards  
7 under the Law Enforcement Officers' Bill of Rights provisions of law.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 727(d)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1999 Supplement)

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

15 **Article 27 - Crimes and Punishments**

16 727.

17 (d) "Hearing board" means:

18 (1) A board which is authorized by the chief to hold a hearing on a  
19 complaint against a law enforcement officer and which consists of not less than three  
20 members, except as provided in paragraphs (2) [and], (3), AND (4) of this subsection,  
21 all to be appointed by the chief and selected from law enforcement officers within that  
22 agency, or law enforcement officers of another agency with the approval of the chief of  
23 the other agency, and who have had no part in the investigation or interrogation of  
24 the law enforcement officer. At least one member of the hearing board shall be of the  
25 same rank as the law enforcement officer against whom the complaint has been filed.

26 (2) (i) The provisions of this paragraph may not be the subject of  
27 binding arbitration.

1                   (ii)     An agency or an agency's superior governmental authority that  
2 has recognized and certified an exclusive collective bargaining representative may  
3 negotiate with the exclusive collective bargaining representative an alternate method  
4 of forming a hearing board.

5                   (iii)    A law enforcement officer may elect the alternate method of  
6 forming a hearing board instead of the method described in paragraph (1) of this  
7 subsection if the law enforcement officer works within an agency described in  
8 subparagraph (ii) of this paragraph and the law enforcement officer is included in the  
9 collective bargaining unit.

10                  (iv)     An agency described in subparagraph (ii) of this paragraph  
11 shall notify the law enforcement officer in writing before the formation of the hearing  
12 board that the law enforcement officer may elect an alternate method of forming a  
13 hearing board if one has been negotiated under this paragraph.

14                  (v)     If the law enforcement officer elects an alternate method of  
15 forming a hearing board under this paragraph, the alternate method shall be used to  
16 form the hearing board.

17                  (vi)    An agency or an exclusive collective bargaining representative  
18 may not require a law enforcement officer to elect an alternate method of forming a  
19 hearing board under this paragraph.

20                  (vii)   If the law enforcement officer has been offered summary  
21 punishment, an alternate method of forming a hearing board may not be used.

22                  (3)     If a law enforcement officer is offered summary punishment imposed  
23 pursuant to § 734A and refuses, the chief may convene a one-member or more  
24 hearing board and the hearing board shall have only the authority to recommend the  
25 sanctions as provided in this subtitle for summary punishment. If a single member  
26 hearing board is convened, that member need not be of the same rank. However, all  
27 other provisions of this subtitle shall apply.

28                  (4)     IF A LAW ENFORCEMENT AGENCY HAS LESS THAN 200 LAW  
29 ENFORCEMENT OFFICERS, THE CHIEF SHALL CONVENE A ONE-MEMBER OR MORE  
30 HEARING BOARD COMPOSED OF LAW ENFORCEMENT OFFICERS FROM ANOTHER  
31 AGENCY WITH THE APPROVAL OF THE CHIEF OF THE OTHER AGENCY.

32     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2000.