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(2)

27 binding arbitration.

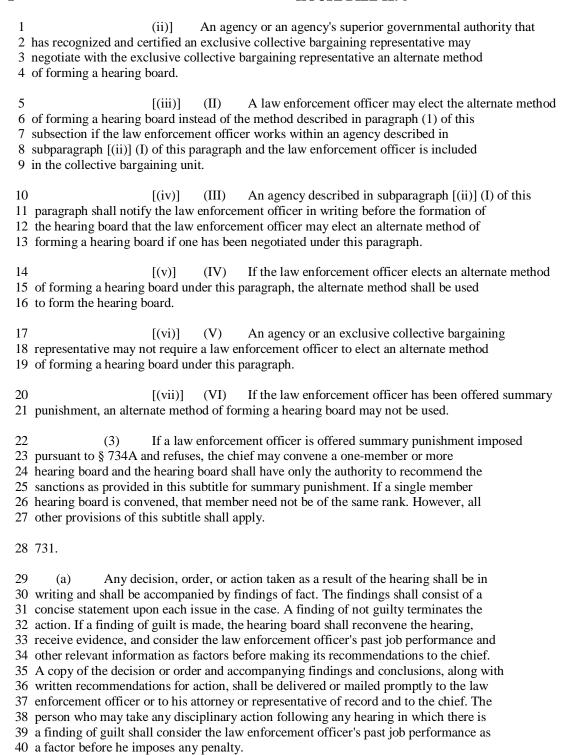
(i)

2000 Regular Session 0lr2884

By: Delegates Grosfeld, Barkley, Dembrow, Menes, and Petzold Introduced and read first time: February 18, 2000 Assigned to: Rules and Executive Nominations A BILL ENTITLED 1 AN ACT concerning 2 Law Enforcement Officers' Bill of Rights - Hearing Boards - Binding 3 Arbitration 4 FOR the purpose of repealing prohibitions against making certain actions regarding 5 the formation of a law enforcement officers' hearing board and certain decisions 6 by a hearing board the subject of binding arbitration; and generally relating to 7 boards that hold hearings on complaints against law enforcement officers. 8 BY repealing and reenacting, with amendments, Article 27 - Crimes and Punishments Section 727(d) and 731 10 Annotated Code of Maryland 11 12 (1996 Replacement Volume and 1999 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF 13 14 MARYLAND, That the Laws of Maryland read as follows: 15 **Article 27 - Crimes and Punishments** 16 727. 17 "Hearing board" means: (d) A board which is authorized by the chief to hold a hearing on a 18 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) of this subsection, all to be 21 appointed by the chief and selected from law enforcement officers within that agency, 22 or law enforcement officers of another agency with the approval of the chief of the 23 other agency, and who have had no part in the investigation or interrogation of the 24 law enforcement officer. At least one member of the hearing board shall be of the same 25 rank as the law enforcement officer against whom the complaint has been filed.

[The provisions of this paragraph may not be the subject of

HOUSE BILL 1296



HOUSE BILL 1296

3	(b) After the disciplinary hearing and a finding of guilt, the hearing board may recommend punishment as it deems appropriate under the circumstances, including but not limited to demotion, dismissal, transfer, loss of pay, reassignment, or other similar action which would be considered a punitive measure.
7 8 9	(c) The written recommendations as to punishment are not binding upon the chief. Within 30 days of receipt of the hearing board's recommendations, the chief shall review the findings, conclusions, and recommendations of the hearing board and then the chief shall issue a final order. The chief's final order and decision is binding and may be appealed in accordance with this subtitle. Before the chief may increase the recommended penalty of the hearing board, the chief personally shall:
11	(1) Review the entire record of the hearing board proceedings;
12 13	(2) Meet with the law enforcement officer and permit the law enforcement officer to be heard on the record;
16	(3) Disclose and provide to the officer in writing at least 10 days prior to the meeting any oral or written communication not included in the hearing board record on which the decision to consider increasing the penalty is based, in whole or in part; and
18 19	(4) State on the record the substantial evidence relied on to support the increase of the recommended penalty.
20 21	(d) (1) Notwithstanding any other provisions of this subtitle, the decision of the hearing board, both as to findings of fact and punishment, if any, is final:
22	(i) If a chief is an eyewitness to the incident under investigation; or
	(ii) If an agency or its superior governmental authority has agreed with an exclusive collective bargaining representative recognized or certified under applicable law that the decision is final.
26 27	(2) [The provisions of paragraph (1)(ii) of this subsection may not be the subject of binding arbitration.
28 29	(3)] The decision then may be appealed in accordance with § 732 of this subtitle.
30 31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2000.