
By: **Senator Baker**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers - Criminal Offenses - Posting Bond for Payment**

3 FOR the purpose of prohibiting a law enforcement officer who is charged with certain
4 criminal offenses from receiving any salary, payment, or benefit from a law
5 enforcement agency employer pending the outcome of the criminal charge unless
6 the officer posts a certain bond with the employer as security for any salary,
7 payment, or benefit received between certain dates; requiring a law enforcement
8 officer who is convicted of certain criminal offenses to surrender a certain bond
9 and reimburse the law enforcement agency employer for salary, payment, or
10 benefit received in a certain period; providing that if certain charges against a
11 law enforcement officer are dismissed, steted, or nolle prossed, or the law
12 enforcement officer is acquitted of certain criminal charges, the law enforcement
13 officer may revoke a certain bond and is entitled to any salary, payment, or
14 benefit received in a certain time period; exempting certain procedures from
15 certain hearing provisions under certain circumstances; authorizing the
16 emergency suspension of police powers without pay for the commission of
17 certain criminal offenses; and generally relating to rights and requirements for
18 law enforcement officers who are charged with certain criminal offenses under
19 certain circumstances.

20 BY repealing and reenacting, without amendments,
21 Article 27 - Crimes and Punishments
22 Section 730(a)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1999 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article 27 - Crimes and Punishments
27 Section 730(c) and 734A
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 1999 Supplement)

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

1

Article 27 - Crimes and Punishments

2 730.

3 (a) If the investigation or interrogation of a law enforcement officer results in
4 the recommendation of some action, such as demotion, dismissal, transfer, loss of pay,
5 reassignment, or similar action which would be considered a punitive measure, then,
6 except as provided under subsection (c) of this section and except in the case of
7 summary punishment or emergency suspension as allowed by § 734A of this subtitle
8 and before taking that action, the law enforcement agency shall give notice to the law
9 enforcement officer that he is entitled to a hearing on the issues by a hearing board.
10 The notice shall state the time and place of the hearing and the issues involved. An
11 official record, including testimony and exhibits, shall be kept of the hearing.

12 (c) (1) A law enforcement officer is not entitled to a hearing under this
13 section if the law enforcement officer has been charged and convicted of a felony.

14 (2) (I) IF A LAW ENFORCEMENT OFFICER HAS BEEN CHARGED WITH
15 THE COMMISSION OF A FELONY, A MISDEMEANOR THAT IS PUNISHABLE BY
16 IMPRISONMENT, OR A VEHICLE LAW OFFENSE THAT IS PUNISHABLE BY
17 IMPRISONMENT, THE LAW ENFORCEMENT OFFICER MAY NOT RECEIVE ANY SALARY,
18 PAYMENT, OR BENEFIT FROM A LAW ENFORCEMENT AGENCY EMPLOYER PENDING
19 THE OUTCOME OF THE CRIMINAL CHARGE UNLESS THE LAW ENFORCEMENT
20 OFFICER POSTS A BOND WITH THE LAW ENFORCEMENT AGENCY EMPLOYER AS
21 SECURITY FOR ANY SALARY, PAYMENT, OR BENEFIT THE OFFICER RECEIVES FROM
22 THE LAW ENFORCEMENT AGENCY BETWEEN THE DATE THAT THE LAW
23 ENFORCEMENT OFFICER IS CHARGED WITH THE CRIMINAL OFFENSE AND THE
24 DISPOSITION OF THE CRIMINAL CHARGE.

25 (II) IF A LAW ENFORCEMENT OFFICER IS CONVICTED OF A
26 MISDEMEANOR THAT IS PUNISHABLE BY IMPRISONMENT, A VEHICLE LAW OFFENSE
27 THAT IS PUNISHABLE BY IMPRISONMENT, OR A FELONY OFFENSE, THE LAW
28 ENFORCEMENT OFFICER SHALL SURRENDER THE BOND AND FULLY REIMBURSE
29 THE LAW ENFORCEMENT AGENCY EMPLOYER THE AMOUNT OF SALARY, PAYMENT,
30 OR BENEFIT THE LAW ENFORCEMENT OFFICER RECEIVED FROM THE LAW
31 ENFORCEMENT AGENCY FROM THE DATE THE CRIMINAL CHARGE WAS FILED TO
32 THE DATE OF THE CONVICTION.

33 (III) IF A CRIMINAL CHARGE AGAINST A LAW ENFORCEMENT
34 OFFICER UNDER THIS PARAGRAPH IS DISMISSED, STETED, OR NOLLE PROSSED, OR IF
35 THE LAW ENFORCEMENT OFFICER IS ACQUITTED OF THE CRIMINAL CHARGE, THE
36 LAW ENFORCEMENT OFFICER MAY REVOKE THE BOND REQUIRED UNDER
37 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND IS ENTITLED TO ANY SALARY,
38 PAYMENT, OR BENEFIT PROVIDED TO THE LAW ENFORCEMENT OFFICER FROM THE
39 DATE THE CRIMINAL CHARGE WAS FILED TO THE DATE THAT THE CHARGE WAS
40 DROPPED OR THE LAW ENFORCEMENT OFFICER WAS ACQUITTED.

41 (IV) THE REQUIREMENTS OF THIS PARAGRAPH ARE NOT SUBJECT
42 TO THE HEARING PROVISIONS OR RIGHTS ENUMERATED UNDER THIS SECTION.

1 734A.

2 The provisions of this subtitle are not intended to prohibit summary
3 punishment or emergency suspension by higher ranking law enforcement officers as
4 may be designated by the head of a law enforcement agency.

5 (1) Summary punishment may be imposed for minor violations of
6 departmental rules and regulations when: (i) the facts which constitute the minor
7 violation are not in dispute; (ii) the officer waives the hearing provided by this
8 subtitle; and (iii) the officer accepts the punishment imposed by the highest ranking
9 officer of the unit to which the officer is attached.

10 (2) (i) Emergency suspension with pay may be imposed by the chief
11 when it appears that the action is in the best interest of the public and the law
12 enforcement agency.

13 (ii) If the officer is suspended with pay, the chief may suspend the
14 police powers of the officer and reassign the officer to restricted duties pending a
15 determination by a court of competent jurisdiction with respect to any criminal
16 violation or final determination by an administrative hearing board as to any
17 departmental violation.

18 (iii) Any person so suspended shall be entitled to a prompt hearing.

19 (3) (i) [Emergency] SUBJECT TO PARAGRAPH (4) OF THIS
20 SUBSECTION, EMERGENCY suspension of police powers without pay may be imposed
21 by the chief if a law enforcement officer has been charged with the commission of a
22 felony, A MISDEMEANOR THAT IS PUNISHABLE BY IMPRISONMENT, OR A VEHICLE
23 LAW OFFENSE THAT IS PUNISHABLE BY IMPRISONMENT.

24 (ii) Any person so suspended shall be entitled to a prompt hearing.

25 (4) (I) IF A LAW ENFORCEMENT OFFICER HAS BEEN CHARGED WITH
26 THE COMMISSION OF A FELONY, A MISDEMEANOR THAT IS PUNISHABLE BY
27 IMPRISONMENT, OR A VEHICLE LAW OFFENSE THAT IS PUNISHABLE BY
28 IMPRISONMENT, THE LAW ENFORCEMENT OFFICER MAY NOT RECEIVE ANY SALARY,
29 PAYMENT, OR BENEFIT FROM A LAW ENFORCEMENT AGENCY EMPLOYER PENDING
30 THE OUTCOME OF THE CRIMINAL CHARGE UNLESS THE LAW ENFORCEMENT
31 OFFICER POSTS A BOND WITH THE LAW ENFORCEMENT AGENCY EMPLOYER AS
32 SECURITY FOR ANY SALARY, PAYMENT, OR BENEFIT THE OFFICER RECEIVES FROM
33 THE LAW ENFORCEMENT AGENCY BETWEEN THE DATE THAT THE LAW
34 ENFORCEMENT OFFICER IS CHARGED WITH THE CRIMINAL OFFENSE AND THE
35 DISPOSITION OF THE CRIMINAL CHARGE.

36 (II) IF A LAW ENFORCEMENT OFFICER IS CONVICTED OF A
37 MISDEMEANOR THAT IS PUNISHABLE BY IMPRISONMENT, A VEHICLE LAW OFFENSE
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2 THE DATE OF THE CONVICTION.

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4 OFFICER UNDER THIS PARAGRAPH IS DISMISSED, STETED, OR NOLLE PROSSED, OR IF
5 THE LAW ENFORCEMENT OFFICER IS ACQUITTED OF THE CRIMINAL CHARGE, THE
6 LAW ENFORCEMENT OFFICER MAY REVOKE THE BOND REQUIRED UNDER
7 SUBPARAGRAPH (I) OF THIS PARAGRAPH, AND IS ENTITLED TO ANY SALARY,
8 PAYMENT, OR BENEFIT PROVIDED TO THE LAW ENFORCEMENT OFFICER FROM THE
9 DATE THE CRIMINAL CHARGE WAS FILED TO THE DATE THAT THE CHARGE WAS
10 DROPPED OR THE LAW ENFORCEMENT OFFICER WAS ACQUITTED.

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