
By: **Delegates DeCarlo, Malone, Amedori, Doory, J. Kelly, Minnick, Oaks,
Owings, Ports, and Riley**

Introduced and read first time: February 7, 2001

Assigned to: Judiciary

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 fewer
4 than a certain number of law enforcement officers convene a hearing board
5 using law enforcement officers from another agency, with the approval of the
6 chief of the other agency; and generally relating to the composition of hearing
7 boards under the Law Enforcement Officers' Bill of Rights.

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 2000 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] FEWER
20 than three members, except as provided in paragraphs (2) [and], (3), AND (4) of this
21 subsection, all to be appointed by the chief and selected from law enforcement officers
22 within that agency, or law enforcement officers of another agency with the approval of
23 the chief of the other agency, and who have had no part in the investigation or
24 interrogation of the law enforcement officer. At least one member of the hearing board
25 shall be of the same rank as the law enforcement officer against whom the complaint
26 has been filed.

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

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

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

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

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

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

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

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

30 (4) IF A LAW ENFORCEMENT AGENCY HAS FEWER THAN 300 LAW
31 ENFORCEMENT OFFICERS, THE CHIEF SHALL CONVENE A HEARING BOARD
32 COMPOSED OF ONE OR MORE LAW ENFORCEMENT OFFICERS FROM ANOTHER
33 AGENCY WITH THE APPROVAL OF THE CHIEF OF THE OTHER AGENCY.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2001.