

SENATE BILL 351

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HB 540/00 - JUD

2001 Regular Session
1r1959

By: **Senators Collins and Sfikas**

Introduced and read first time: February 1, 2001

Assigned to: Judicial Proceedings

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 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 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, 2001.