

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

Senate Bill 351

(Senators Collins and Sfikas)

Judicial Proceedings

Law Enforcement Officers' Bill of Rights - Hearing Boards

This bill requires a chief of a law enforcement agency with fewer than 200 law enforcement officers to convene a hearing board under the Law Enforcement Officers' Bill of Rights (LEOBR) composed of one or more law enforcement officers from another agency with the approval of the chief of the other agency.

Fiscal Summary

State Effect: Minimal. Any accompanying modifications of hearing procedures and schedules used in disciplinary actions are not expected to materially affect governmental operations or finances. Any associated expense reimbursements for State law enforcement agencies covered under LEOBR and with less than 200 officers are assumed to be minimal and absorbable within existing budgeted resources.

Local Effect: Minimal. Any accompanying modifications of hearing procedures and schedules used in disciplinary actions are not expected to materially affect governmental operations or finances. Any associated expense reimbursements for local law enforcement agencies covered under LEOBR and with less than 200 officers are assumed to be minimal and absorbable within existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The Law Enforcement Officers' Bill of Rights is extended to police officers of the following State and local agencies:

- the Department of State Police;
- the Baltimore City Police Department;
- the Baltimore City School Police Force;
- the police department, bureau, or force of any county;
- the police department, bureau, or force of any incorporated city or town;
- the office of the sheriff of any county or Baltimore City;
- the police department, bureau, or force of any bi-county agency;
- the Maryland Transportation Authority Police and the police forces of the Department of Transportation;
- the police officers of the Department of Natural Resources;
- the Investigative Services Unit of the Comptroller's Office;
- the Housing Authority of the Baltimore City Police Force;
- the Crofton Police Department;
- the police officers of the Department of Health and Mental Hygiene;
- the police officers of the Department of General Services;
- the police officers of the Department of Labor, Licensing, and Regulation;
- the State Fire Marshal or a full-time investigative and inspection assistant of the Office of the State Fire Marshal; and
- the police officers of the University System of Maryland.

Under the Law Enforcement Officers' Bill of Rights, a law enforcement officer against whom a complaint is filed has the right to a hearing before a hearing board of not fewer than three members, all of whom are to be appointed by the chief and selected from law enforcement officers within that agency, or law enforcement officers from another agency with the approval of the chief of that agency. The officers on the hearing board must have had no part in the investigation or interrogation of the law enforcement officer against whom the complaint was filed. At least one member of the hearing board must be of the same rank as the law enforcement officer against whom the complaint was filed.

Background: According to the 1999 Uniform Crime Report, there are 125 State and local law enforcement agencies in the State, of which ten have 200 or more law enforcement officers: Maryland State Police, Maryland Transportation Authority Police, Natural Resources Police, Charles County Sheriff's Department, Howard County Police, Baltimore County Police, Baltimore City Police, Anne Arundel County Police, Prince George's County Police, and Montgomery County Police.

Additional Information

Prior Introductions: A similar bill, HB 540, was introduced during the 2000 session. It received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police, Kent County, Montgomery County, Prince George's County, Washington County, Worcester County, Department of Legislative Services

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