

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 884 (Senator Mitchell)
Judicial Proceedings

Law Enforcement Officers' Bill of Rights - Hearings - Questions of Law

This bill establishes that, in Baltimore City, any question of law that arises during a hearing held in accordance with the Law Enforcement Officers' Bill of Rights shall be referred to and answered by an administrative law judge.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources of the Office of Administrative Hearings.

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 in Baltimore City.

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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City, Office of Administrative Hearings, Department of Legislative Services

Fiscal Note History: First Reader – March 15, 2001
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