

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 420

(Senator Frosh, *et al.*)

Judicial Proceedings

Appropriations

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**Law Enforcement Officers' Bill of Rights - Hearing Boards - Binding Arbitration**

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This bill alters the Law Enforcement Officers' Bill of Rights (LEOBR) by repealing the general prohibitions against the use of binding arbitration as an alternative hearing board or after a final finding of guilt in a disciplinary hearing. The bill provides that those circumstances are subject to arbitration, if authorized by local law.

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**Fiscal Summary**

**State Effect:** Minimal. All State police departments are covered by a collective bargaining agreement. The bill's changes would not significantly affect State operations or finances. Any future impacts arising from decisions of arbitration processes, rather than currently constituted hearing boards, cannot be reliably predicted.

**Local Effect:** Minimal. The bill's changes would not significantly affect local operations or finances. Any future impacts arising from decisions of arbitration processes, rather than currently constituted hearing boards, in affected jurisdictions cannot be reliably predicted.

**Small Business Effect:** Minimal. This bill may increase business opportunities for individual arbitrators and/or alternative dispute resolution organizations. The extent of such a small business benefit cannot be reliably projected, but it is assumed to be minimal.

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**Analysis**

**Current Law:** LEOBR provides that a police department that has collective bargaining may negotiate an alternative method of forming a hearing board through collective

bargaining. LEOBR also provides that a decision of a hearing board is final if a police agency or its superior governmental authority has agreed with a recognized or certified exclusive collective bargaining representative that the decision is final. These provisions are prohibited from being the subject of binding arbitration.

**Background:** LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action.

It extends to 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 Baltimore City Watershed 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;
- the police department, bureau, or force of any bi-county agency;
- the Maryland Transportation Authority Police and the police forces of the Maryland Department of Transportation;
- the police force of the Department of Natural Resources;
- the Field Enforcement Division of the Comptroller's Office;
- the Housing Authority of Baltimore City Police Force;
- the Crofton Police Department;
- the police force of the Department of Health and Mental Hygiene;
- the police force of the Department of General Services;
- the police force of the Department of Labor, Licensing, and Regulation;
- the Ocean Pines Police Department;
- the office of the State Fire Marshal;
- the police forces of the University System of Maryland; and
- the police force of Morgan State University.

Only the following jurisdictions currently authorize binding arbitration: Anne Arundel County, Baltimore County, Montgomery County, Prince George's County, and Ocean City.

## **Additional Information**

**Prior Introductions:** In 2000, HB 1296, a similar bill, received an unfavorable report from the House Judiciary Committee. Similar bills were also introduced during the 1996 and 1997 sessions. In 1996, HB 1206 received an unfavorable report from the House Judiciary Committee. In 1997, HB 1172 passed the House (amended) and received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Montgomery County, Garrett County, Baltimore County, Anne Arundel County, Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2006  
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