

HOUSE BILL 961

E4

4lr2303

By: **Delegates Hough and Cluster**

Introduced and read first time: February 6, 2014

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Correctional Officers' Bill of Rights – Hearing Board – Membership**

3 FOR the purpose of altering the membership of a hearing board under the State
4 Correctional Officers' Bill of Rights to require that at least one member be of the
5 same rank as the correctional officer against whom a certain complaint is filed;
6 and generally relating to the membership of a hearing board under the State
7 Correctional Officers' Bill of Rights.

8 BY repealing and reenacting, with amendments,
9 Article – Correctional Services
10 Section 10–909(c)(1)
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – Public Safety
15 Section 3–107(c)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2013 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-909.

2 (c) (1) (i) The hearing board authorized under this section shall
3 consist of at least three members, **AT LEAST ONE OF WHOM SHALL BE OF THE SAME**
4 **RANK AS THE CORRECTIONAL OFFICER AGAINST WHOM THE COMPLAINT IS**
5 **FILED.**

6 [1. For correctional officers holding the rank of sergeant
7 or below, the hearing board shall be composed of two correctional officers who are
8 members of the bargaining unit, one of whom is the same rank as the correctional
9 officer facing charges, and one correctional officer ranked lieutenant or higher.

10 2. For correctional officers holding the rank of lieutenant
11 and above, the hearing board shall be composed of one correctional officer of equal
12 rank, one correctional officer of equal or lower rank, and one correctional officer of
13 equal or higher rank.]

14 (ii) Correctional officers assigned to serve on a hearing board
15 shall be randomly selected from a rotating list of correctional officers eligible to serve
16 on disciplinary hearing boards maintained by the Department.

17 (iii) The Department, after consultation with the exclusive
18 representative for the correctional officers who are covered by this subtitle, shall
19 determine:

20 1. the manner of selection of correctional officers who
21 are eligible to serve on a rotating list; and

22 2. the manner of the selection of correctional officers for
23 a hearing board.

24 (iv) Correctional officers assigned to serve on a hearing board
25 shall be from a facility other than the facility to which the correctional officer facing
26 charges is regularly assigned, and may not have had a role in the investigation or the
27 interrogation of the correctional officer against whom the charges are filed, or be
28 involved in any way with the incidents that are the subject of the complaint.

29 (v) 1. The highest ranking member of the hearing board
30 shall serve as the hearing board chair.

31 2. The chair of the hearing board:

32 A. shall participate in any deliberations; but

33 B. may only vote on the decision in the event of a tie; and

34 C. may file a statement of position for the record.

1 bargaining representative may negotiate with the representative an alternative
2 method of forming a hearing board.

3 (ii) A law enforcement officer may elect the alternative method
4 of forming a hearing board if:

5 1. the law enforcement officer works in a law
6 enforcement agency described in subparagraph (i) of this paragraph; and

7 2. the law enforcement officer is included in the
8 collective bargaining unit.

9 (iii) The law enforcement agency shall notify the law
10 enforcement officer in writing before a hearing board is formed that the law
11 enforcement officer may elect an alternative method of forming a hearing board if one
12 has been negotiated under this paragraph.

13 (iv) If the law enforcement officer elects the alternative method,
14 that method shall be used to form the hearing board.

15 (v) An agency or exclusive collective bargaining representative
16 may not require a law enforcement officer to elect an alternative method of forming a
17 hearing board.

18 (vi) If the law enforcement officer has been offered summary
19 punishment, an alternative method of forming a hearing board may not be used.

20 (vii) If authorized by local law, this paragraph is subject to
21 binding arbitration.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.