

# SENATE BILL 436

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4lr1878  
CF HB 599

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By: **Senator Frosh**

Introduced and read first time: January 24, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Law Enforcement ~~Officer~~ Officers' Bill of Rights – ~~Hearing Board – Exclusion~~**  
3 **~~of Evidence~~ Show Cause Order – Appropriate Relief**

4 FOR the purpose of ~~requiring a certain hearing board to exclude certain evidence~~  
5 ~~obtained during an investigation or interrogation by~~ requiring a certain court to  
6 grant appropriate relief on a finding that a law enforcement agency of a law  
7 enforcement officer obtained evidence in violation of a certain right or law under  
8 certain circumstances; and generally relating to the Law Enforcement ~~Officer~~  
9 Officers' Bill of Rights.

10 ~~BY repealing and reenacting, without amendments,~~  
11 ~~Article – Public Safety~~  
12 ~~Section 3-107(a)~~  
13 ~~Annotated Code of Maryland~~  
14 ~~(2011 Replacement Volume and 2013 Supplement)~~

15 BY repealing and reenacting, with amendments,  
16 Article – Public Safety  
17 Section ~~3-107(f)~~ 3-105  
18 Annotated Code of Maryland  
19 (2011 Replacement Volume and 2013 Supplement)

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

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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.



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## Article – Public Safety

2 ~~3-107.~~

3       ~~(a) (1) Except as provided in paragraph (2) of this subsection and § 3-111~~  
 4 ~~of this subtitle, if the investigation or interrogation of a law enforcement officer results~~  
 5 ~~in a recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or~~  
 6 ~~similar action that is considered punitive, the law enforcement officer is entitled to a~~  
 7 ~~hearing on the issues by a hearing board before the law enforcement agency takes that~~  
 8 ~~action.~~

9               ~~(2) A law enforcement officer who has been convicted of a felony is not~~  
 10 ~~entitled to a hearing under this section.~~

11       ~~(f) (1) Evidence with probative value that is commonly accepted by~~  
 12 ~~reasonable and prudent individuals in the conduct of their affairs is admissible and~~  
 13 ~~shall be given probative effect.~~

14               ~~(2) The hearing board shall give effect to the rules of privilege~~  
 15 ~~recognized by law and shall exclude:~~

16                       ~~(I) incompetent, irrelevant, immaterial, and unduly repetitious~~  
 17 ~~evidence; AND~~

18                       ~~(II) EVIDENCE OBTAINED IN VIOLATION OF § 3-104 OF THIS~~  
 19 ~~SUBTITLE.~~

20               ~~(3) Each record or document that a party desires to use shall be~~  
 21 ~~offered and made a part of the record.~~

22               ~~(4) Documentary evidence may be received in the form of copies or~~  
 23 ~~excerpts, or by incorporation by reference.~~

24 3-105.

25       (a) A law enforcement officer who is denied a right granted by this subtitle  
 26 may apply to the circuit court of the county where the law enforcement officer is  
 27 regularly employed for an order that directs the law enforcement agency to show cause  
 28 why the right should not be granted.

29       (b) The law enforcement officer may apply for the show cause order:

30               (1) either individually or through the law enforcement officer's  
 31 certified or recognized employee organization; and

32               (2) at any time prior to the beginning of a hearing by the hearing  
 33 board.

1           **(C) ON A FINDING THAT A LAW ENFORCEMENT AGENCY OBTAINED**  
2 **EVIDENCE AGAINST A LAW ENFORCEMENT OFFICER IN VIOLATION OF A RIGHT**  
3 **GRANTED BY THIS SUBTITLE, THE COURT SHALL GRANT APPROPRIATE RELIEF.**

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.