

HOUSE BILL 1382

E4

9lr3294

By: **Delegates Clippinger and Barron**

Introduced and read first time: February 21, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Law Enforcement Officers' Bill of Rights – Hearing by Hearing Board – Public**
3 **Information**

4 FOR the purpose of requiring that, if a certain trial board hearing is open to the public,
5 certain advance notice of the hearing shall be given to the public, a certain agenda
6 shall be made available to the public, and a certain record of the hearing shall be
7 provided to a member of the public on request; and generally relating to hearing
8 boards under the Law Enforcement Officers' Bill of Rights.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 3–107(a), (e), and (j)
12 Annotated Code of Maryland
13 (2018 Replacement Volume)

14 BY adding to
15 Article – Public Safety
16 Section 3–107(k)
17 Annotated Code of Maryland
18 (2018 Replacement Volume)

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

21 **Article – Public Safety**

22 3–107.

23 (a) (1) Except as provided in paragraph (2) of this subsection and § 3–111 of
24 this subtitle, if the investigation or interrogation of a law enforcement officer results in a
25 recommendation of demotion, dismissal, transfer, loss of pay, reassignment, or similar

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 action that is considered punitive, the law enforcement officer is entitled to a hearing on
2 the issues by a hearing board before the law enforcement agency takes that action.

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

5 (e) (1) The hearing shall be:

6 (i) conducted by a hearing board; and

7 (ii) open to the public, unless the chief finds a hearing must be closed
8 for good cause, including to protect a confidential informant, an undercover officer, or a
9 child witness.

10 (2) The hearing board shall give the law enforcement agency and law
11 enforcement officer ample opportunity to present evidence and argument about the issues
12 involved.

13 (3) The law enforcement agency and law enforcement officer may be
14 represented by counsel.

15 (4) Each party has the right to cross-examine witnesses who testify and
16 each party may submit rebuttal evidence.

17 (j) An official record, including testimony and exhibits, shall be kept of the
18 hearing.

19 **(K) IF THE HEARING IS OPEN TO THE PUBLIC:**

20 **(1) ADVANCE NOTICE OF THE HEARING SHALL BE GIVEN TO THE**
21 **PUBLIC IN ACCORDANCE WITH § 3-302 OF THE GENERAL PROVISIONS ARTICLE;**

22 **(2) AN AGENDA SHALL BE MADE AVAILABLE TO THE PUBLIC IN**
23 **ACCORDANCE WITH § 3-302.1 OF THE GENERAL PROVISIONS ARTICLE; AND**

24 **(3) THE OFFICIAL RECORD OF THE HEARING, INCLUDING THE**
25 **DECISION OF THE HEARING BOARD, SHALL BE PROVIDED TO A MEMBER OF THE**
26 **PUBLIC ON REQUEST, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN TITLE**
27 **4, SUBTITLE 2 OF THE GENERAL PROVISIONS ARTICLE.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2019.