

HOUSE BILL 525

E4

1lr0459

By: **Delegate Morgan**

Introduced and read first time: January 15, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Law Enforcement Hearing Board – Civilian Members**

3 FOR the purpose of providing that in St. Mary's County, a certain hearing board may
4 include a certain number of voting or nonvoting members of the public who have
5 received certain training; and generally relating to law enforcement hearing boards
6 in St. Mary's County.

7 BY repealing and reenacting, without amendments,
8 Article – Public Safety
9 Section 3–107(a)
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2020 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 3–107(c)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

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

19 **Article – Public Safety**

20 3–107.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

(c) (1) Except as provided in paragraph (5) of this subsection and in § 3–111 of this subtitle, the hearing board authorized under this section shall consist of at least three voting members who:

(i) are appointed by the chief and chosen from law enforcement officers within that law enforcement agency, or from law enforcement officers of another law enforcement agency with the approval of the chief of the other agency; and

(ii) have had no part in the investigation or interrogation of the law enforcement officer.

(2) At least one member of the hearing board shall be of the same rank as the law enforcement officer against whom the complaint is filed.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, a chief may appoint, as a nonvoting member of the hearing board, one member of the public who has received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(ii) If authorized by local law, a hearing board formed under paragraph (1) of this subsection may include up to two voting or nonvoting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(iii) At the Johns Hopkins University, if authorized by local law, a hearing board formed under paragraph (1) of this subsection shall include two voting members of the public who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

(IV) IN ST. MARY'S COUNTY, A HEARING BOARD FORMED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY INCLUDE UP TO TWO VOTING OR NONVOTING MEMBERS OF THE PUBLIC WHO HAVE RECEIVED AT LEAST 40 HOURS OF TRAINING ADMINISTERED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION ON THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND MATTERS RELATING TO POLICE PROCEDURES.

(4) (i) If the chief is the law enforcement officer under investigation, the chief of another law enforcement agency in the State shall function as the law enforcement officer of the same rank on the hearing board.

(ii) If the chief of a State law enforcement agency is under investigation, the Governor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iii) If the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor shall appoint the chief of another law enforcement agency to function as the law enforcement officer of the same rank on the hearing board.

(iv) If the chief of a State law enforcement agency or the chief of a law enforcement agency of a county or municipal corporation is under investigation, the official authorized to appoint the chief's successor, or that official's designee, shall function as the chief for purposes of this subtitle.

(5) (i) 1. A law enforcement agency or the agency's superior governmental authority that has recognized and certified an exclusive collective bargaining representative may negotiate with the representative an alternative method of forming a hearing board.

2. A hearing board formed under this paragraph may include up to two voting or nonvoting members of the public, appointed by the chief, who have received training administered by the Maryland Police Training and Standards Commission on the Law Enforcement Officers' Bill of Rights and matters relating to police procedures.

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

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

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

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

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

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.