

HOUSE BILL 186

E4

5lr1662

(PRE-FILED)

By: **Delegate Young**

Requested: November 1, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Police Discipline – Trial Board Composition**

3 FOR the purpose of altering the composition of trial boards responsible for adjudicating
4 matters of police discipline; and generally relating to police discipline.

5 BY repealing and reenacting, with amendments,
6 Article – Public Safety
7 Section 3–106
8 Annotated Code of Maryland
9 (2022 Replacement Volume and 2024 Supplement)

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

12 **Article – Public Safety**

13 3–106.

14 (a) (1) Except as provided in paragraph (2) of this subsection, each law
15 enforcement agency shall establish a trial board process in accordance with this section to
16 adjudicate all matters for which a police officer is subject to discipline.

17 (2) A small law enforcement agency may use the trial board process of
18 another law enforcement agency by mutual agreement.

19 (b) (1) Except as provided in paragraph (2) of this subsection, a trial board
20 shall be composed of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(i) [an actively serving or retired administrative law judge or a retired judge of the District Court or a circuit court] **AN ATTORNEY WHO MEETS THE QUALIFICATIONS IN SUBSECTION (C) OF THIS SECTION**, appointed by the chief executive officer of the county;

(ii) a civilian who is not a member of an administrative charging committee, appointed by the county's police accountability board; and

(iii) a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(2) (i) This paragraph may not be construed to apply to the Baltimore Police Department.

(ii) A trial board for a statewide or bi-county law enforcement agency shall be composed of:

1. [an actively serving or retired administrative law judge] **AN ATTORNEY WHO MEETS THE QUALIFICATIONS IN SUBSECTION (C) OF THIS SECTION**, appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings;

2. a civilian who is not a member of an administrative charging committee or the Maryland Police Training and Standards Commission, appointed by the police accountability board for the county where the alleged misconduct occurred; and

3. a police officer of equal rank to the police officer who is accused of misconduct appointed by the head of the law enforcement agency.

(c) **AN ATTORNEY IS QUALIFIED TO BE APPOINTED TO A TRIAL BOARD UNDER SUBSECTION (B)(1)(I) OR (2)(II)1 OF THIS SECTION ONLY IF THE ATTORNEY:**

(1) **IS A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE STATE;**

(2) **IS REGISTERED TO VOTE IN STATE ELECTIONS;**

(3) **HAS BEEN A RESIDENT OF THE STATE FOR AT LEAST 5 YEARS;**

(4) **HAS BEEN A RESIDENT OF THE JURISDICTION SERVED BY THE TRIAL BOARD TO WHICH THE ATTORNEY IS APPOINTED FOR AT LEAST 6 MONTHS IMMEDIATELY PRECEDING THE APPOINTMENT;**

(5) **IS AT LEAST 30 YEARS OF AGE AT THE TIME OF THE APPOINTMENT;**

1 **(6) IS ADMITTED TO PRACTICE LAW IN THE STATE; AND**

2 **(7) IS MOST DISTINGUISHED FOR INTEGRITY, WISDOM, AND SOUND**
3 **LEGAL KNOWLEDGE.**

4 **(D)** The [actively serving or retired administrative law judge or the retired judge
5 of the District Court or a circuit court] **ATTORNEY QUALIFIED UNDER SUBSECTION (C)**
6 **OF THIS SECTION** shall:

7 (1) be the chair of the trial board;

8 (2) be responsible for ruling on all motions before the trial board; and

9 (3) prepare the written decision of the trial board, including the findings,
10 conclusions, and recommendations of the trial board.

11 **[(d)] (E)** Before serving as a member of a trial board, an individual shall receive
12 training on matters relating to police procedures from the Maryland Police Training and
13 Standards Commission.

14 **[(e)] (F)** Proceedings of a trial board shall be open to the public, except to protect:

15 (1) a victim's identity;

16 (2) the personal privacy of an individual;

17 (3) a child witness;

18 (4) medical records;

19 (5) the identity of a confidential source;

20 (6) an investigative technique or procedure; or

21 (7) the life or physical safety of an individual.

22 **[(f)] (G)** A trial board may administer oaths and issue subpoenas as necessary
23 to complete its work.

24 **[(g)] (H)** A complainant has the right to be notified of a trial board hearing and,
25 except as provided in subsection **[(e)] (F)** of this section, the right to attend a trial board
26 hearing.

1 ~~[(h)] (I)~~ Except as otherwise provided in this subtitle, a law enforcement agency
2 has the burden of proof by a preponderance of the evidence in any proceeding under this
3 subtitle.

4 ~~[(i)] (J)~~ A police officer may be disciplined only for cause.

5 ~~[(j)] (K)~~ Within 45 days after the final hearing by a trial board, the trial board
6 shall issue a written decision reflecting the findings, conclusions, and recommendations of
7 a majority of the trial board.

8 ~~[(k)] (L)~~ (1) Within 30 days after the date of issuance of a decision of a trial
9 board, the decision may be appealed by the police officer:

10 (i) if the trial board is from a local law enforcement agency, to the
11 circuit court of the county in which the law enforcement agency is located;

12 (ii) if the trial board is from a bi-county law enforcement agency, to
13 a circuit court in a county in which the incident that gave rise to the disciplinary proceeding
14 occurred; and

15 (iii) if the trial board is from a statewide law enforcement agency, to
16 the Circuit Court for Anne Arundel County.

17 (2) An appeal taken under this subsection shall be on the record.

18 ~~[(l)] (M)~~ A trial board decision is final unless appealed by a police officer under
19 subsection ~~[(k)] (L)~~ of this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025.