

FOR the purpose of providing that a law enforcement officer under investigation shall be furnished with a copy of the investigatory file, excluding certain information, not less than a certain time before any hearing if certain conditions as to confidentiality of the file and payment of costs are met.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 728(b)(5)
Annotated Code of Maryland
(1982 Replacement Volume and 1983 Supplement)

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

Article 27 - Crimes and Punishments

728.

(b) Whenever a law-enforcement officer is under investigation or subjected to interrogation by a law-enforcement agency, for any reason which could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be conducted under the following conditions:

(5) The law-enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any interrogation. Upon completion of the investigation, the law-enforcement officer shall be notified of the name of any witness and all charges and specifications against the officer not less than ten days prior to any hearing. IN ADDITION, THE LAW ENFORCEMENT OFFICER UNDER INVESTIGATION SHALL BE FURNISHED WITH A COPY OF THE INVESTIGATORY FILE, EXCLUDING THE IDENTITY OF CONFIDENTIAL SOURCES AND RECOMMENDATIONS AS TO CHARGES, DISPOSITION, OR PUNISHMENT, NOT LESS THAN 10 DAYS BEFORE ANY HEARING IF THE OFFICER AND THE OFFICER'S REPRESENTATIVE AGREE:

(I) TO EXECUTE A CONFIDENTIALITY AGREEMENT WITH THE LAW ENFORCEMENT AGENCY TO NOT DISCLOSE ANY OF THE MATERIAL CONTAINED IN THE RECORD FOR ANY PURPOSE OTHER THAN TO DEFEND THE OFFICER; AND

(II) TO PAY ANY REASONABLE CHARGE FOR THE COST OF REPRODUCING THE MATERIAL INVOLVED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1984.

Approved May 29, 1984.
