

CHAPTER 205

(House Bill 439)

AN ACT concerning

Law Enforcement Officers' Bill of Rights - Hearings

FOR the purpose of providing that a law enforcement officer is not entitled to a hearing under the Law Enforcement Officers' Bill of Rights if the officer has been charged and convicted of certain crimes.

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments
Section 730
Annotated Code of Maryland
(1982 Replacement Volume and 1985 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

730.

(a) If the investigation or interrogation of a law-enforcement officer results in the recommendation of some action, such as demotion, dismissal, transfer, loss of pay, reassignment, or similar action which would be considered a punitive measure, then, EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION AND except in the case of summary punishment or emergency suspension as allowed by § 734A of this subtitle and before taking that action, the law-enforcement agency shall give notice to the law-enforcement officer that he is entitled to a hearing on the issues by a hearing board. The notice shall state the time and place of the hearing and the issues involved. An official record, including testimony and exhibits, shall be kept of the hearing.

(B) A LAW ENFORCEMENT OFFICER IS NOT ENTITLED TO A HEARING UNDER THIS SECTION IF THE LAW ENFORCEMENT OFFICER HAS BEEN CHARGED AND CONVICTED OF A FELONY.

[(b)] (C) The hearing shall be conducted by a hearing board. Both the law-enforcement agency and the law-enforcement officer shall be given ample opportunity to present evidence and argument with respect to the issues involved. Both may be represented by counsel.

[(c)] (D) Evidence which possesses probative value commonly accepted by reasonable and prudent men in the conduct of their affairs shall be admissible and shall be given probative effect.