

~~heard on the record; requiring that a chief certify that the chief had no ex parte communications concerning a certain law enforcement officer before increasing a penalty recommended by a hearing board; requiring that a chief state good cause for increasing a recommended penalty of a hearing board; and generally relating to procedural requirements before a chief increases a penalty recommended by a hearing board requiring a chief law enforcement officer to take certain steps before increasing the recommended penalty of a hearing board in certain proceedings relating to a law enforcement officer; and generally relating to decisions of chiefs of law enforcement agencies concerning recommendations of punishment.~~

BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments:

Section 731(c)

Annotated Code of Maryland

(1992 Replacement Volume and 1993 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

731.

(c) The written recommendations as to punishment are not binding upon the chief. Within 30 days of receipt of the hearing board's recommendations, the chief shall review the findings, conclusions, and recommendations of the hearing board and then ~~he~~ THE CHIEF shall issue ~~his~~ A final order. The chief's final order and decision is binding and may be appealed in accordance with this subtitle. Before the chief may increase the recommended penalty of the hearing board, ~~[he]~~ THE CHIEF personally shall ~~review~~:

(1) REVIEW the entire record of the hearing board proceedings, ~~shall permit~~:

(2) MEET WITH THE LAW ENFORCEMENT OFFICER AND PERMIT the law enforcement officer to be heard ON THE RECORD, ~~SHALL CERTIFY THAT THE CHIEF HAS HAD NO EX PARTE COMMUNICATIONS CONCERNING THE FINAL ORDER~~, and shall state ~~[the reason]~~ GOOD CAUSE for increasing the recommended penalty;

(3) DISCLOSE AND PROVIDE TO THE OFFICER IN WRITING AT LEAST 10 DAYS PRIOR TO THE MEETING ANY ORAL OR WRITTEN COMMUNICATION NOT INCLUDED IN THE HEARING BOARD RECORD ON WHICH THE DECISION TO CONSIDER INCREASING THE PENALTY IS BASED, IN WHOLE OR IN PART; AND

(4) STATE ON THE RECORD THE SUBSTANTIAL EVIDENCE RELIED ON TO SUPPORT THE INCREASE OF THE RECOMMENDED PENALTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 26, 1994.