

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 ~~AFFIRMING OR DECREASING THE RECOMMENDED PENALTY OF THE HEARING BOARD~~. 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 ~~and shall state~~ ON THE RECORD;

(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 TRIAL HEARING BOARD RECORD UPON WHICH THE DECISION TO CONSIDER INCREASING THE PENALTY IS BASED, IN WHOLE OR IN PART, AT LEAST 10 DAYS PRIOR TO THE OFFICER'S MEETING WITH THE CHIEF, INCLUDING A COPY OF ANY WRITTEN COMMUNICATION; AND

(4) STATE ON THE RECORD the ~~reason for increasing~~ SUBSTANTIAL EVIDENCE RELIED UPON 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.

May 26, 1994

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401

Dear Mr. President: