

SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LAW ENFORCEMENT AGENCY MAY NOT BRING ADMINISTRATIVE CHARGES AGAINST A LAW ENFORCEMENT OFFICER UNLESS THE AGENCY FILES THE CHARGES WITHIN 1 YEAR AFTER THE ACT THAT GIVES RISE TO THE CHARGES COMES TO THE ATTENTION OF THE APPROPRIATE LAW ENFORCEMENT AGENCY OFFICIAL.

(B) EXCEPTION.

THE 1-YEAR LIMITATION OF SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO CRIMINAL ACTIVITY OR EXCESSIVE FORCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 730(b).

Subsection (a) of this section is revised in the active voice to clarify that a law enforcement agency files administrative charges against a law enforcement officer.

Defined term: "Law enforcement officer" § 3-101

3-107. HEARING BY HEARING BOARD.

(A) RIGHT TO HEARING.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND § 3-111 OF THIS SUBTITLE, IF THE INVESTIGATION OR INTERROGATION OF A LAW ENFORCEMENT OFFICER RESULTS IN A RECOMMENDATION OF DEMOTION, DISMISSAL, TRANSFER, LOSS OF PAY, REASSIGNMENT, OR SIMILAR ACTION THAT IS CONSIDERED PUNITIVE, THE LAW ENFORCEMENT OFFICER IS ENTITLED TO A HEARING ON THE ISSUES BY A HEARING BOARD BEFORE THE LAW ENFORCEMENT AGENCY TAKES THAT ACTION.

(2) A LAW ENFORCEMENT OFFICER WHO HAS BEEN CONVICTED OF A FELONY IS NOT ENTITLED TO A HEARING UNDER THIS SECTION.

(B) NOTICE OF HEARING.

(1) THE LAW ENFORCEMENT AGENCY SHALL GIVE NOTICE TO THE LAW ENFORCEMENT OFFICER OF THE RIGHT TO A HEARING BY A HEARING BOARD UNDER THIS SECTION.

(2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL STATE THE TIME AND PLACE OF THE HEARING AND THE ISSUES INVOLVED.

(C) MEMBERSHIP OF HEARING BOARD.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND IN § 3-111 OF THIS SUBTITLE, THE HEARING BOARD AUTHORIZED UNDER THIS SECTION SHALL CONSIST OF AT LEAST THREE MEMBERS WHO:

(I) ARE APPOINTED BY THE CHIEF AND CHOSEN FROM LAW ENFORCEMENT OFFICERS WITHIN THAT LAW ENFORCEMENT AGENCY, OR FROM