

(2) THE DECISION OF THE HEARING BOARD THEN MAY BE APPEALED IN ACCORDANCE WITH § 3-109 OF THIS SUBTITLE.

(3) PARAGRAPH (1)(II) OF THIS SUBSECTION IS NOT SUBJECT TO BINDING ARBITRATION.

(D) REVIEW BY CHIEF AND FINAL ORDER.

(1) WITHIN 30 DAYS AFTER RECEIPT OF THE RECOMMENDATIONS OF THE HEARING BOARD, THE CHIEF SHALL:

(I) REVIEW THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE HEARING BOARD; AND

(II) ISSUE A FINAL ORDER.

(2) THE FINAL ORDER AND DECISION OF THE CHIEF IS BINDING AND THEN MAY BE APPEALED IN ACCORDANCE WITH § 3-109 OF THIS SUBTITLE.

(3) THE RECOMMENDATION OF A PENALTY BY THE HEARING BOARD IS NOT BINDING ON THE CHIEF.

(4) THE CHIEF SHALL CONSIDER THE LAW ENFORCEMENT OFFICER'S PAST JOB PERFORMANCE AS A FACTOR BEFORE IMPOSING A PENALTY.

(5) THE CHIEF MAY INCREASE THE RECOMMENDED PENALTY OF THE HEARING BOARD ONLY IF THE CHIEF PERSONALLY:

(I) REVIEWS THE ENTIRE RECORD OF THE PROCEEDINGS OF THE HEARING BOARD;

(II) MEETS WITH THE LAW ENFORCEMENT OFFICER AND ALLOWS THE LAW ENFORCEMENT OFFICER TO BE HEARD ON THE RECORD;

(III) DISCLOSES AND PROVIDES IN WRITING TO THE LAW ENFORCEMENT OFFICER, AT LEAST 10 DAYS BEFORE THE MEETING, ANY ORAL OR WRITTEN COMMUNICATION NOT INCLUDED IN THE RECORD OF THE HEARING BOARD ON WHICH THE DECISION TO CONSIDER INCREASING THE PENALTY IS WHOLLY OR PARTLY BASED; AND

(IV) STATES ON THE RECORD THE SUBSTANTIAL EVIDENCE RELIED ON TO SUPPORT THE INCREASE OF THE RECOMMENDED PENALTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 731.

In subsections (b)(1) and (2), (c)(1), and (d)(3) of this section, the reference to a "penalty" is substituted for the former reference to a "punishment" for consistency throughout this section.

In subsection (d)(4) of this section, the reference to the "chief" is substituted for the former reference to the "person who may take any disciplinary action following any hearing in which there is a finding of guilt" for specificity and to use the defined term.