

3-111. SUMMARY PUNISHMENT.

(A) AUTHORIZED.

THIS SUBTITLE DOES NOT PROHIBIT SUMMARY PUNISHMENT BY HIGHER RANKING LAW ENFORCEMENT OFFICERS AS DESIGNATED BY THE CHIEF.

(B) IMPOSITION.

(1) SUMMARY PUNISHMENT MAY BE IMPOSED FOR MINOR VIOLATIONS OF LAW ENFORCEMENT AGENCY RULES AND REGULATIONS IF:

(I) THE FACTS THAT CONSTITUTE THE MINOR VIOLATION ARE NOT IN DISPUTE;

(II) THE LAW ENFORCEMENT OFFICER WAIVES THE HEARING PROVIDED UNDER THIS SUBTITLE; AND

(III) THE LAW ENFORCEMENT OFFICER ACCEPTS THE PUNISHMENT IMPOSED BY THE HIGHEST RANKING LAW ENFORCEMENT OFFICER, OR INDIVIDUAL ACTING IN THAT CAPACITY, OF THE UNIT TO WHICH THE LAW ENFORCEMENT OFFICER IS ATTACHED.

(2) SUMMARY PUNISHMENT IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED SUSPENSION OF 3 DAYS WITHOUT PAY OR A FINE OF \$150.

(C) REFUSAL.

(1) IF A LAW ENFORCEMENT OFFICER IS OFFERED SUMMARY PUNISHMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION AND REFUSES:

(I) THE CHIEF MAY CONVENE A HEARING BOARD OF ONE OR MORE MEMBERS; AND

(II) THE HEARING BOARD HAS ONLY THE AUTHORITY TO RECOMMEND THE SANCTIONS PROVIDED IN THIS SECTION FOR SUMMARY PUNISHMENT.

(2) IF A SINGLE MEMBER HEARING BOARD IS CONVENED:

(I) THE MEMBER NEED NOT BE OF THE SAME RANK AS THE LAW ENFORCEMENT OFFICER; BUT

(II) ALL OTHER PROVISIONS OF THIS SUBTITLE APPLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 727(d)(3) and (f) and 734A(1) and, as it related to summary suspension, the first sentence of § 734A.

In subsection (a) of this section, the defined term "chief" is substituted for the former reference to the "head of a law enforcement agency" for consistent use of the defined term throughout this subtitle.