

3-211. SAME — FAILURE TO MEET STANDARDS.

(A) IN GENERAL.

IF THE CERTIFICATION OF A POLICE OFFICER IS IN DANGER OF LAPSING OR HAS LAPSED BECAUSE OF THE FAILURE OF THE POLICE OFFICER TO MEET THE STANDARDS OF THE COMMISSION, THE POLICE OFFICER MAY REQUEST A HEARING BEFORE THE COMMISSION TO PRESENT EVIDENCE THAT:

(1) THE POLICE OFFICER'S LAW ENFORCEMENT AGENCY UNREASONABLY FAILED TO PROVIDE THE POLICE OFFICER WITH THE REQUIRED TRAINING OR ASSIGNED THE POLICE OFFICER TO SPECIAL DUTY THAT PREVENTED THE POLICE OFFICER FROM COMPLETING THE REQUIRED TRAINING TO ACHIEVE THIS CERTIFICATION; AND

(2) THIS FAILURE IS THROUGH NO FAULT OF THE POLICE OFFICER.

(B) HEARING REQUIRED.

(1) ON REQUEST OF THE POLICE OFFICER FOR A HEARING UNDER THIS SECTION, THE COMMISSION SHALL HOLD A HEARING.

(2) FOR PURPOSES OF THIS SUBSECTION, THE COMMISSION SHALL FOLLOW THE PROCEDURES REQUIRED FOR A HEARING BOARD UNDER THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS AND THE POLICE OFFICER IS ENTITLED TO ALL OF THE RIGHTS PROVIDED UNDER THE LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS.

(C) STAY OF LAPSE OF CERTIFICATION.

IF THE COMMISSION CONCLUDES THAT THE POLICE OFFICER'S LAW ENFORCEMENT AGENCY UNREASONABLY FAILED TO PROVIDE THE POLICE OFFICER WITH THE REQUIRED TRAINING OR ASSIGNED THE POLICE OFFICER TO SPECIAL DUTY THAT PREVENTED THE POLICE OFFICER FROM COMPLETING THE REQUIRED TRAINING TO ACHIEVE CERTIFICATION:

(1) THE COMMISSION SHALL STAY THE LAPSE OF THE CERTIFICATION UNTIL THE POLICE OFFICER AND THE POLICE OFFICER'S LAW ENFORCEMENT AGENCY MEET THE TRAINING REQUIREMENTS OF THE COMMISSION;

(2) THE POLICE OFFICER SHALL BE RETAINED IN THE POLICE OFFICER'S LAW ENFORCEMENT AGENCY AT FULL PAY PENDING THE COMPLETION OF THE TRAINING; AND

(3) THE COMMISSION SHALL ORDER THE POLICE OFFICER'S LAW ENFORCEMENT AGENCY TO PAY ALL REASONABLE HEARING COSTS AND ATTORNEY'S FEES INCURRED AS A RESULT OF THE ACTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-201(i).

Throughout this section, the reference to the police officer's "law enforcement agency" is substituted for the former reference to the officer's