



**Committee:** Directly to Council  
**Committee Review:** N/A  
**Staff:** Christine Wellons, Legislative Attorney  
Carolyn Chen, Legislative Analyst  
**Purpose:** Discuss state legislation on police reform.  
**Keywords:** #stateleg; #policereform

AGENDA ITEM #1  
February 22, 2021

## SUBJECT

Discuss state legislation on police reform.

## EXPECTED ATTENDEES

Melanie Wenger, Director, Office of Intergovernmental Relations (OIR)  
Kathleen Boucher, Special Assistant to Director, OIR  
Leslie Frey, Legislative Analyst, OIR  
Sara Morningstar, Federal Relations Coordinator and Legislative Analyst, OIR  
Amy Samman, Legislative Analyst, OIR  
Executive Department Representatives

## COUNCIL DECISION POINTS

- Overview of police reform legislation – no vote expected.

## DESCRIPTION/ISSUES

### 2021 STATE LEGISLATION UPDATES

- Update on 2021 Session
- Overview of Police Reform Legislation

### This report contains:

OIR February 22, 2021 Staff Report	Pages ©1-16
2021 Police Reform Bills – REVISED 2/18/21	©2-9
Comparison of Law Enforcement Officers Bill of Rights (LEOBR) HB 670 and SB 627	©10-16

**Alternative format requests for people with disabilities.** If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at [adacompliance@montgomerycountymd.gov](mailto:adacompliance@montgomerycountymd.gov)



**OFFICE OF INTERGOVERNMENTAL RELATIONS**

**Marc Elrich**  
*County Executive*

**Melanie Wenger**  
*Director*

February 22, 2021

**MEMORANDUM**

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director *MLW*  
Office of Intergovernmental Relations

SUBJECT: Discussion: State Legislation

**UPDATE**

- Update on the 2021 Session
- Overview of Police Reform Legislation

Additional information:

Link to the Montgomery County Office of Intergovernmental website:  
<https://www.montgomerycountymd.gov/oir/>.

Link to the Maryland General Assembly website:  
<http://mgaleg.maryland.gov/webmga/frm1st.aspx?tab=home>.

Link to the Montgomery County Delegation website which allows you to access the text of all local and bi-county bills: <http://www.montgomerycountydelegation.com/legislation.html>.

Link to the Montgomery County Association of Counties (MACo) website:  
<https://www.mdcounties.org/>

**2021 Police Reform Bills – REVISED 2/18/21**

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<p><b>Law Enforcement Officers’ Bill of Rights (LEOBR)</b></p> <p>For further details, see the attached <i>Comparison of the LEOBR, HB670, and SB627</i></p>	<p><a href="#">HB 670</a> repeals the LEOBR and establishes narrower uniform procedures governing the disciplinary process. Law enforcement agency (LEA) may not “negate or alter” the procedural requirements outlined in the bill through collective bargaining. Applies prospectively. Does not apply to or have any effect on: (1) a collective bargaining agreement entered into on or before September 30, 2021 for the duration of the contract term, excluding any extensions, options to extend, or renewals; or (2) a disciplinary matter based on alleged misconduct that occurred before the effective date of the Act. The effective date of the bill is October 1, 2021. <a href="#">HB 687</a> amends the LEOBR. Eliminates the alternative hearing board and restores the Chief as the final decision-making authority in all cases. Prohibits collective bargaining on LEOBR matters.</p>	<p><a href="#">SB 627</a> repeals the LEOBR and establishes narrower uniform rules governing the disciplinary process. Supersedes local law that “conflicts” with the bill. Preempts local law on the “subject and material” of the bill. The procedures in the bill are the “exclusive methods” for disciplining an officer. Prohibits a collective bargaining agreement that is “inconsistent” with the bill. Applies prospectively. Does not apply to or have any effect on: (1) a collective bargaining agreement entered into on or before September 30, 2021 for the duration of the contract term, excluding any extensions, options to extend, or renewals; or (2) a disciplinary matter based on alleged misconduct that occurred before the effective date of the Act if a hearing board has already been convened. Emergency bill that takes effect immediately upon enactment. <a href="#">SB 381</a> amends the LEOBR. Eliminates the alternative hearing board and restores the Chief as the final decision-making authority in all cases. Prohibits collective bargaining on LEOBR matters. <a href="#">SB 601</a> amends the LEOBR to require a law enforcement officer (LEO) under threat of discipline to submit to drug/alcohol testing if, while on duty, the LEO discharges a weapon or LEO conduct results in death/serious bodily injury. LEA must send the results of the test to the LEO, the injured person, and the estate of the deceased.</p>	<p><a href="#">Bill 34-20 Disciplinary Procedures- Police Labor Relations- Duty to Bargain</a> PENDING</p>

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<p><b>Maryland Public Information Act (MPIA) – Personnel Records</b></p>	<p><a href="#">HB 671</a> establishes that a record relating to a formal complaint of job-related misconduct made against an LEO, including an investigation record, a hearing record, or a disciplinary decision, is not a personnel record for purposes of the MPIA if the alleged misconduct involves the discharge of a firearm, or the use of force resulting in death or serious bodily injury, or if the LEO was administratively charged with committing a sexual assault, engaging in dishonesty, committing perjury, making false statements, filing false reports, or destroying, falsifying, or concealing evidence directly relating to the reporting, investigation, or prosecution of a crime or improperly using force against a member of the public. Thus, such records are not subject to mandatory denial of inspection under MPIA, but instead are subject to discretionary disclosure under MPIA; <a href="#">HB 120</a> establishes that investigatory records, hearing records, and records related to disciplinary decisions are not personnel records and are therefore subject to discretionary disclosure under MPIA.</p>	<p><a href="#">SB 178</a> establishes that investigatory records, hearing records, and records related to disciplinary decisions are not personnel records and are therefore subject to discretionary disclosure under MPIA.</p>	

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<p><b>Police Procedures – Use of Force, Duty to Intervene, Duty to Report</b></p>	<p><a href="#">HB 670</a> establishes comprehensive rules governing use of force. Key provisions include: (1) LEO may only use force that is objectively reasonable and appears to be necessary under the circumstances; (2) LEO may only use deadly force to stop an imminent threat of death or serious injury to the officer or another person.; (3) LEO must: (i) when time, circumstances, and safety allow, take steps to gain compliance and deescalate conflict without using physical force; (ii) intervene to prevent or terminate use of force by another LEO beyond what is objectively reasonable under the circumstances; and (iii) render basic first aid to a person injured by police action and promptly request medical assistance; (4) LEO may not discharge a weapon at a moving vehicle unless the vehicle is being used as a deadly weapon toward the officer or another person and deadly force is the only reasonable means available to stop the threat; (5) LEA may not use a chokehold, neck restraint, or other restraint that restricts blood flow or breath; and (6) LEA must have a written de-escalation of force policy that includes command-level review of all use of force incidents. <a href="#">HB 139</a> establishes legal action for individuals against LE officers for excessive use of force, establishes duty to intervene, requires LEO to seek appropriate medical treatment for person injured from excessive use of force by LEO, includes whistleblower protection for LEO intervening or reporting incidents of excessive use of force; <a href="#">HB 707</a> requires law enforcement agencies to adopt use of force rules and create a system to identify and retrain LEOs at high risk for use of excessive force; <a href="#">HB 809</a> establishes use of force and de-escalating training and reporting requirements by LE agencies on policies and incidents; <a href="#">HB 956</a> establishes explicit circumstances under which deadly force is justified by LEO.</p>	<p><a href="#">SB 626</a> establishes specific parameters for authorizing use of force only (1) when necessary; (2) when reasonable alternatives are exhausted; and (3) until accomplished objective for legitimate law enforcement. LEO must (1) immediately modulate force as threat diminishes and (2) cease use when person is under officer’s control, posing no imminent threat, or when officer determines force no longer accomplishes legitimate law enforcement objective. If use of force results in death and is inconsistent with authorized use, the LEO may be charged with manslaughter or murder; requires LEO to make reasonable attempt to stop or prevent the use of “excessive force” if officer knows or reasonably should know that another LEO is using or intends to use excessive force; if LEO knows or reasonably should know that another LEO has used excessive force, the LEO must immediately notify LEO’s supervisor. <a href="#">SB 50</a> requires LEO to attempt to intervene to terminate or prevent another LEO’s use of force, establishes penalty for inaction, provides injured person as a result of such violation with civil cause of action against LEO committing violation, requires MPTSC to conduct entry-level use of force training and training every 2 years; <a href="#">SB 166</a> requires law enforcement officer to report misconduct if officer has actual knowledge of another officer having engaged in specific misconduct, establishes penalty for noncompliance.</p>	<p><a href="#">Bill 27-20 Police Use of Force</a> ENACTED</p>

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<b>Independent Investigations – Use of Force and Serious Injuries and Death</b>	<a href="#">HB 670</a> requires that an independent investigative agency of State govt investigate use of force incidents; <a href="#">HB 1035</a> establishes Independent Law Enforcement Prosecution Unit in the AG’s office to investigate shootings and other incidents that result in death, requires LE agencies to notify Unit of shootings and other incidents and cooperate with Unit.	<a href="#">SB 600</a> requires LE agencies to immediately notify the AG’s Office of any alleged or potential incident involving a death of a person by an LEO, requires AG to investigate and transmit report of investigatory findings and recommendations to State’s Attorney of the County with jurisdiction, if AG recommendation is to prosecute and State’s Attorney decides not to prosecute then AG must prosecute.	
<b>Police Procedures – Warrants</b>	<a href="#">HB 670</a> includes search warrant limits to clear & convincing evidence and protecting life/safety of individuals (not property), executed from 8 a.m.-7 p.m. and also limits no-knock warrants; <a href="#">HB 197</a> includes prohibition during traffic stop by law enforcement officer from seizing property without a warrant <a href="#">HB 188</a> eliminates no-knock warrants; <a href="#">HB 329</a> limits to clear & convincing evidence warrants for entering a residence; <a href="#">HB 707</a> includes warrant provision requiring preapproval by applicant’s supervisor and State’s Attorney.	<a href="#">SB 419</a> eliminates no-knock warrants; <a href="#">SB 589</a> includes prohibition during traffic stop by law enforcement officer from seizing property without a warrant; <a href="#">SB 237</a> includes warrant provision requiring preapproval by applicant’s supervisor and State’s Attorney.	<a href="#">Bill 27-20 Police Use of Force</a> ENACTED
<b>Police Procedures – Body Worn Cameras (BWC)</b>	<a href="#">HB 670</a> includes BWC for all law enforcement agencies by 1/1/25; <a href="#">HB 152</a> BWC for MD State Police (MSP) by 1/1/22; <a href="#">HB 187</a> BWC for all law enforcement agencies by 10/1/21 with established standards by MD Police Training & Standards Commission (MPTSC); <a href="#">HB 727</a> requires MPTSC to establish BWC standards, BWC procured after 1/1/22 w/ required capability to record audio & video 2 mins prior to activation; <a href="#">HB 707</a> BWC for all law enforcement agencies w/ greater than 20 officers by 10/1/23, start-up costs split evenly between State and jurisdiction and ongoing operating costs borne solely by jurisdiction.	<a href="#">SB 71</a> knowing and willful failure of LEO to activate BWC creates a rebuttable presumption that testimony of LEO relating to the incident that was not recorded is inadmissible in criminal prosecution; <a href="#">SB 237</a> BWC for all law enforcement agencies w/ greater than 20 officers by 10/1/23, start-up costs split evenly between State and jurisdiction and ongoing operating costs borne solely by jurisdiction; <a href="#">SB 583</a> requires MPTSC to establish BWC standards, BWC procured after 1/1/22 w/ required capability to record audio & video 2 mins prior to activation.	

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<p><b>Policing Data</b></p>	<p><a href="#">HB 670</a> requires MPTSC to create statewide database tracking LEOs de-certified over improper use of force; <a href="#">HB 809</a> requires law enforcement agencies to report every 2 years to Gov Office of Crime Prevention, Youth, and Victim Services use of force and de-escalation training policies and incident use of force data; <a href="#">HB 139</a> includes provision requiring law enforcement agencies to report use of force incident data on public website every 6 months disaggregated by race, age, sex, gender, ethnicity, color, national origin, religion and disability; <a href="#">HB 1046</a> requires MPTSC in consultation with MD Statistical Analysis Center to expand model policy against race-based traffic stops based on national origin, religion, gender, gender or sexual identity, requires LEO making stop to report information to LE agency employing officer.</p>	<p><a href="#">SB 626</a> includes provision requiring LE agencies to report use of force incident data on public website every 6 months disaggregated by race, age, sex, gender, ethnicity, color, national origin, religion and disability; <a href="#">SB 588</a> requires each county's State's Attorney to maintain list of LEOs found or alleged to have committed acts bearing on credibility, integrity, honesty, or other characteristics constituting exculpatory or impeachment evidence in a criminal case. Adding LEO's name to list not subject to appeal. Records maintained by State's Attorneys subject to public inspection under MPIA. Chief of each LEA must transmit to MPTSC information relating to each formal complaint filed against LEO that alleges misconduct in execution of LEO's duties. After completion of administrative action against LEO, chief must transmit to MPTSC the decision, order, or action taken. MPTSC must establish and maintain database of information received for each formal complaint filed against LEO that alleges misconduct in the execution of LEO's duties, and adopt regulations establishing procedures for transmission of information from law enforcement agencies. On application to MPTSC, LEA may access database for hiring decision purposes. Bill applies retroactively to formal allegations of misconduct against LEO on or after 10/1/18.</p>	<p><a href="#">Bill 45-20 Community Policing Data</a> PENDING</p>

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<b>Police Training and Mental Health</b>	<p><a href="#">HB 670</a> includes provisions requiring MPTSC to develop test and training for implicit bias to be used by LE agencies in hiring process, require annual implicit bias training for new and current LE officers, require annual mental health and physical agility assessments as condition of certification, require LE agencies to establish data-based early intervention programs based on MPTSC guidelines identifying LE officers at risk for using excessive force and those needing retraining and behavioral interventions; <a href="#">HB 88</a> requires law enforcement agencies to provide mental health programs for LEOs.</p>	<p><a href="#">SB 74</a> requires law enforcement agencies to provide mental health programs for LEOs; <a href="#">SB 42</a> includes provision requiring law enforcement agencies to screen for violent and aggressive behavior and bias before hiring.</p>	



Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<p><b>Maryland Police Training and Standards Commission (MPTSC) – Reconstituted</b></p>	<p><a href="#">HB 670</a> includes altering composition of MPTSC membership to include greater citizen participation from 2 members to 9 and reducing the number of LEOs; developing new training and standards for citizens serving on MPTSC; holding LEAs accountable for violations of Use of Force statute by withholding grant funding from Governor’s Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), revoking certification of police officers who have violated Use of Force Statute, convicted of specified crimes, previously fired or resigned while being investigated for serious misconduct or use of excessive force; creates statewide database to track police officer de-certifications due to improper use of force; develops test and training for implicit bias, requires law enforcement agencies to use the test in hiring process, requires new and existing police officers to complete implicit bias testing and training; requires for certification of police officer by MPTSC an expanded requirement to submit to (1) specified mental health screening (instead of a psychological evaluation) and (2) specified physical agility assessment. As condition of certification, police officer must annually submit to mental health assessment and a physical agility assessment to establish continuing fitness to carry out official duties of police officer.</p>	<p><a href="#">SB 608</a> updates and modifies requirements and terminology for the Maryland Police Training and Standards Commission (MPTSC) relating to membership, procedures, and training for LEOs. Broad changes are proposed in the reconstituted MPTSC including new training requirements for new and current LEOs focused on enhanced entry-level and in-service training to supplement training in criminal law, related to rape and sexual assault, human trafficking, and evidentiary procedures. New training programs are added in the areas of de-escalation, use of force, prevention of profiling, and recognition of discrimination including that based on race, gender, creed, national origin, sexual orientation, and physical or mental disability. The bill also expands requirements for LEOs to submit to medical evaluations. Changes in administrative processes are included to require the MPTSC to be chaired by the Secretary of the Maryland State Police rather than having an annually elected chair from among its members. The bill specifies that every 10 years, MPTSC must conduct job task analyses for entrance-level police officers, and further establishes an annual March 31<sup>st</sup> deadline for MPTSC to post online a summary of officer-involved incidents and officer discipline.</p>	
<p><b>Prohibit Acquisition of Surplus Military Equipment</b></p>	<p><a href="#">HB 670</a> includes provision prohibiting purchase of surplus military equipment.</p>	<p><a href="#">SB 599</a> prohibiting LE agencies from receiving military surplus weaponized equipment.</p>	

Provisions	2021 House police reform bills	2021 Senate police reform bills	Recent County Legislative Initiatives
<b>Tort Claims - Local Government Tort Claims Act (LGTC)</b>	<a href="#">HB 721</a> increases the caps on liability generally under the Local Government Tort Claims Act (from \$400,000 to \$600,000 for individual claims and from \$800,000 to \$1,200,000 for total claims), establishes that these limits do not apply to economic damages if liability arises from tortious acts or omissions committed by LEOs, and increases these limits for noneconomic damages arising from tortious acts or omissions of LEOs by \$15,000 each year for individual claims and \$30,000 each year for total claims.. <a href="#">HB 1049</a> establishes LEO not immune from civil or criminal liability for acts or omissions causing physical or mental injury that occur while LEO acting in official capacity.	<a href="#">SB 602</a> increases the caps on liability generally under the Local Government Tort Claims Act (from \$400,000 to \$600,000 for individual claims and from \$800,000 to \$1,200,000 for total claims), establishes that these limits do not apply to economic damages if liability arises from tortious acts or omissions committed by LEOs, and increases these limits for noneconomic damages arising from tortious acts or omissions of LEOs by \$15,000 each year for individual claims and \$30,000 each year for total claims.	
<b>Miscellaneous provisions:</b>  <b>SWAT Teams</b>  <b>Marijuana Use</b>  <b>Tuition Support Growing Number of Law Enforcement Officers</b>  <b>Emergency Number Systems Board (ENSB) (9-1-1)</b>	<a href="#">HB 670</a> includes reporting requirement to Gov’s Office of Crime, Prevention, Youth & Victim Services by law enforcement agencies with SWAT teams, explicit reporting on activation and deployments, locations, details of incidents includes arrests, seized property, weapon discharge.  <a href="#">HB 670</a> establishing that prior marijuana use cannot disqualify certification as a LE officer.  <a href="#">HB 670</a> includes providing free in-state tuition for 4-year degree in criminal law, criminology, or criminal justice.  <a href="#">HB 670</a> includes requiring ENSB to study and report to the General Assembly whether certain types of 9-1-1 service calls should be diverted to a person or entity other than law enforcement agencies.		

**Comparison of Law Enforcement Officers Bill of Rights (LEOBR), HB 670, and SB 627  
2/5/2021**

	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
<b>Overview</b>	<p>Establishes uniform procedures governing the two key components of the disciplinary process for law enforcement officers (LEOs): (1) the internal investigation conducted by a law enforcement agency (LEA) of a complaint that may lead to disciplinary action; and (2) the review of an LEA’s disciplinary decision by an administrative trial board (i.e., hearing board).</p>	<p>Repeals the LEOBR and establishes narrower uniform procedures governing the disciplinary process.</p> <p>Following investigation by an “independent agency,” an Administrative Charging Committee decides (in most cases) whether to impose discipline, subject to review by trial board with one third civilian voting membership. LEA has free hand to otherwise establish membership of the trial board.</p>	<p>Repeals the LEOBR and establishes narrower uniform procedures governing the disciplinary process.</p> <p>Following an internal investigation, the Chief decides whether to impose discipline, subject to review before Chief-appointed hearing officer who was not involved in investigation. Hearing officer issues proposed findings of fact to Chief who makes final decision. LEO may appeal to circuit court. County can establish oversight body composed of civilian residents to act in place of the Chief to adjudicate and impose discipline.</p>

	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
<b>Preemption</b>	Local law on the “subject and material” of the LEOBR is preempted.	Silent	<p>The bill supersedes any “conflicting” state or local laws.</p> <p>Local law on the “subject and material” of the bill is preempted.</p> <p>The procedures in the bill are “exclusive methods for disciplining” a LEO.</p>
<b>Collective Bargaining</b>	<p>Allows the following matters to be negotiated in a collective bargaining agreement (CBA): (1) establishing an alternative hearing board for any discipline that is greater than three days suspension; and (2) giving final authority on disciplinary action to a hearing board rather than the Chief (i.e., making the hearing board decision binding on the Chief).</p> <p><u>See</u> further discussion below under “Hearing”.</p>	<p>LEA cannot “alter or negate” the bill by collective bargaining.</p> <p><u>See</u> discussion of existing CBAs below under “Effective Date”.</p>	<p>No collective bargaining “inconsistent” with the bill.</p> <p><u>See</u> discussion of existing CBAs below under “Effective Date”.</p>

<p><b>Investigation/Show Cause</b></p>	<p>Applies to any investigation or interrogation of LEO that could lead to discipline.</p> <p>Details manner of investigation and interrogation of LEOs:</p> <ul style="list-style-type: none"> <li>• disclosures/notices to LEO under investigation</li> <li>• statute of limitations</li> <li>• complaint verification requirements</li> <li>• details time, place, and manner of interrogation</li> <li>• right to counsel; delay of interrogation while seeking counsel</li> <li>• investigating-interrogating officer must be another LEO</li> <li>• record of interrogation</li> <li>• polygraph, blood, urine tests</li> <li>• LEA gives exculpatory information to LEO before hearing (can redact confidential source)</li> </ul> <p>Provides LEO opportunity to file show cause if denied a right under LEOBR (generally re: investigation or interrogation).</p> <p>Internal Affairs Division (IAD) does not have subpoena power.</p>	<p>No details on manner of investigation or interrogation.</p> <p>Each county must have an “independent agency” that investigates, and reviews misconduct complaints filed by members of the public.</p>	<p>Defines what is a disciplinary action subject to the bill (e.g., written reprimand, pay forfeiture, suspension, demotion, dismissal).</p> <p>No details on manner of investigation or interrogation.</p> <p>If LEO convicted or receives PBJ, Chief or designee may impose discipline w/o further investigation. LEO does not get a hearing but may take an “administrative appeal” to circuit court.</p> <p>Otherwise, LEA must investigate. Investigator need not be another LEO.</p> <p>Investigator has subpoena power.</p>
--	---	--	--

	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
<b>Charging</b>	After investigation, Chief decides whether to issue statement of charges.	<p>If complaint was filed by member of the public or involves allegation involving dishonesty, criminality, or harassment, investigation is forwarded to an Administrative Charging Committee (composed of IAD, County Attorney, Public Defender, State’s Attorney (SA), and civilian), which determines whether to charge and, if so, recommends discipline (in accordance with the LEA’s “disciplinary matrix”) to the Police Chief.</p> <p>“Other allegations” proceed in accordance with the policies of LEA.</p> <p>Administrative Charging Committee can return matter to LEA for more investigation including issuance of subpoenas.</p>	<p>Chief (or designee) may issue statement of charges for discipline after reviewing the investigation</p> <p>Chief must give LEO exculpatory evidence in the investigation (can redact ID of confidential source)</p> <p>LEO can respond to statement of charges and upon request meet with Chief (or designee if discipline less than dismissal). Meeting is recorded.</p> <p>Chief can then impose discipline or must hold hearing if there are factual disputes.</p> <p>One-year statute of limitation to issue statement of charges to LEO, with a number of exceptions, including if offense relates to</p>

	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
		Committee meeting not subject to the Open Meetings Act.	criminal conduct or excessive use of force.
<b>Hearing</b>	<p>Default setting is a traditional hearing board composed of three LEOs picked by the Chief. County may include up to two voting or nonvoting members of the public on the board.</p> <p>LEOBR permits collective bargaining as to: (1) an alternative hearing board (which may include up to two voting or nonvoting members of the public); and (2) finality of the hearing board's decision.</p> <p>Hearing Board has subpoena power.</p> <p>Note: Montgomery County has negotiated for an alternate hearing board composed of MCPD rep, Union rep, and professional arbitrator. The County has also negotiated that the hearing board's decision is binding on the Chief.</p> <p>LEOBR also provides for summary punishment procedure where</p>	<p>LEA must provide LEO with right to a trial board with one third voting civilians before discipline is imposed.</p> <p>No trial board (Chief imposes discipline) if LEO convicted/PBJ.</p>	<p>If Chief or designee decides to hold hearing, Chief-appointed hearing officer must not have been involved in investigation.</p> <p>Hearing officer can issue subpoenas. Hearing is open to public.</p> <p>Hearing officer issues proposed findings of fact to Chief.</p> <p>Chief reviews and makes decision.</p> <p>County can establish oversight body composed of civilian residents to act in place of the Chief to adjudicate and impose discipline.</p>

	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
	penalty does not exceed 3-day suspension. If LEO refuses summary punishment, hearing is before a board composed of one or more members chosen by Chief. Penalty cannot exceed 3-day suspension.		Oversight body will have access to all necessary records of the LEA.
<b>Emergency Suspension</b>	Chief may impose emergency suspension (with or without pay) under certain circumstances (e.g., pending resolution of criminal charges).	Silent	Chief may impose emergency suspension (with or without pay) under certain circumstances (e.g., pending resolution of criminal charges).
<b>Effective Date</b>		<p>October 1, 2021.</p> <p>The bill applies prospectively.</p> <p>Does not apply to or have any effect on: (1) a collective bargaining agreement entered into on or before September 30, 2021 for the duration of the contract term, excluding any extensions, options to extend, or renewals; or (2) a disciplinary matter based on</p>	<p>This is an emergency bill that takes effect immediately upon enactment.</p> <p>The bill applies prospectively.</p> <p>Does not apply to or have any effect on: (1) a collective bargaining agreement entered into on or before the effective date of the act for the duration of the contract term, excluding any</p>



	<b>LEOBR</b>	<b>HB 670 - Police Reform and Accountability Act of 2021 (Speaker)</b>	<b>SB 627 - LEOBR - Repeal and Procedures for Discipline (Carter)</b>
		alleged misconduct that occurred before the effective date of the Act.	extensions, options to extend, or renewals; or (2) a disciplinary matter based on alleged misconduct that occurred before the effective date of the Act if a hearing board has already been convened.
<b>Appeal</b>	LEO may appeal to circuit court.	Silent	LEO may appeal to circuit court.
<b>Other</b>		Many provisions in LEOBR are not addressed in the bill.	Many provisions in LEOBR are not addressed in the bill.