

Chapter 737

(House Bill 172)

AN ACT concerning

Department of State Police – Professional Occupations – Application Process

FOR the purpose of authorizing the Secretary of State Police to determine the manner and format for applications for certification as a private detective ~~and security guard,~~ security guard, security systems technician, and railroad police officer and for a license to provide security guard services; altering the application requirements related to security guard agency, private detective agency, and security systems agency licenses and commercial general liability insurance; requiring an applicant for a special police commission to submit two sets of fingerprints in a certain format to the Secretary; and generally relating to applications for professional occupations and the Department of State Police.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 13–101(a), (g), (h), and (l)
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 13–304, 13–308, 13–403, 13–404.1, 18–303, 18–307, 18–3A–03, 18–3A–07,
19–304, and 19–308
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 19–101
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)
(As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 19–402 and 19–404.1
Annotated Code of Maryland
(2018 Replacement Volume and 2023 Supplement)
(As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

BY repealing and reenacting, without amendments,
Article – Public Safety

Section 3–301
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–304 and 3–404
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Occupations and Professions

13–101.

(a) In this title the following words have the meanings indicated.

(g) “Licensed private detective agency” means, unless the context requires otherwise, a person who is licensed by the Secretary to conduct a business that provides private detective services.

(h) “Private detective” means an individual who personally provides private detective services.

(l) “Secretary” means the Secretary of State Police.

13–304.

(a) (1) An applicant for a license shall:

(i) submit to the Secretary an application [on the form that] IN THE MANNER AND FORMAT DESIGNATED BY the Secretary [provides];

(ii) submit the documents required under this section; and

(iii) pay to the Secretary, IN A METHOD APPROVED BY THE SECRETARY, the fees required under subsection (b) of this section.

(2) If the applicant is a firm, the representative member shall complete the application [form] and otherwise be responsible for the firm’s compliance with this section.

(b) (1) An applicant for a license shall pay to the Secretary an application fee of:

- (i) \$200, if the applicant is an individual; or
- (ii) \$375, if the applicant is a firm; and
- (iii) the fees authorized under subsection (c)(2) of this section.

(2) (i) As part of the application for a license, the applicant shall submit to the Secretary the fingerprints required under subsection (c)(2)(i) of this section.

(ii) If the applicant is a firm, the applicant shall pay the cost of the fingerprint card record checks for each firm member.

(c) (1) The Department of State Police shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(2) As part of the application for a criminal history records check, the Department of State Police shall submit to the Central Repository:

(i) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history record information.

(4) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

(d) (1) If the applicant is an individual, the application [form] provided by the Secretary shall require:

- (i) the name of the applicant;
- (ii) the age of the applicant;
- (iii) the address of the applicant; and

(iv) the current and previous employment of the applicant.

(2) If the applicant is a firm, the application [form] provided by the Secretary shall require:

(i) a list of all of the firm members; and

(ii) for each firm member, the same information required regarding an individual applicant under paragraph (1) of this subsection.

(3) For all applicants, the application [form] shall require:

(i) the address of the applicant's proposed principal place of business and of each proposed branch office;

(ii) any trade or fictitious name that the applicant intends to use while conducting the business of the private detective agency;

(iii) the submission of a facsimile of any trademark that the applicant intends to use while conducting the business of the private detective agency; and

(iv) as the Secretary considers appropriate, any other information to assist in the evaluation of:

1. an individual applicant; or

2. if the applicant is a firm, any firm member.

(e) The application [form] provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 13–705 and 13–707 of this title.

(f) (1) If the applicant is an individual, the application [form] shall be signed, under oath, by the individual.

(2) If the applicant is a firm, the application [form] shall be signed, under oath, by the representative member, as the representative member, and by all the other firm members.

(g) (1) If the applicant is an individual, the application shall be accompanied by at least three names of individuals who can attest to the character of the applicant.

(2) If the applicant is a firm, the application shall be accompanied by at least three names of individuals who can attest to the character of each firm member.

(h) An applicant for a license who intends to employ at least 5 individuals as private detectives shall submit with the application proof of commercial general liability insurance, including errors and omissions and completed operations with a \$1,000,000 total aggregate minimum, as required under § 13–604 of this title.

(i) In addition to meeting the other requirements of this section, a nonresident applicant shall submit a consent and any related document, as required by § 13–605 of this title.

13–308.

(a) By regulation, the Secretary shall stagger the terms of the licenses.

(b) Unless a license is renewed for a 3–year term as provided in this section, the license expires on the day that the Secretary sets.

(c) At least 1 month before a license expires, the Secretary shall [mail or] electronically transmit to the licensee **A NOTICE THAT STATES:**

(1) [a renewal application form; and

(2) a notice that states:

(i) the date on which the current license expires;

[(ii)] **(2)** that the Secretary must receive the renewal application and the statements required under § 13–309 of this subtitle, at least 15 days before the license expiration date, for the renewal to be issued and mailed before the license expires;

[(iii)] **(3)** the amount of the renewal fee;

[(iv)] **(4)** that, if the statements required under § 13–309 of this subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and

[(v)] **(5)** that the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.

(d) A licensee periodically may renew the license for an additional 3–year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

(i) a renewal fee of:

1. \$200, if the licensee is an individual; or
2. \$400, if the licensee is a firm; and
- (ii) any late fee required under § 13–309 of this subtitle; and
- (3) submits to the Secretary:
 - (i) a renewal application [on the form that the Secretary provides]
IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY; and
 - (ii) the statements required under § 13–309 of this subtitle.
- (e) The Secretary shall renew the license of each licensee who meets the requirements of this section.

13–403.

To qualify for certification as a private detective, an employee of or applicant for employment with a licensed private detective agency shall:

- (1) meet the standards set by the Secretary;
- (2) submit to the Secretary:
 - (i) a sworn application [on the form] **IN THE MANNER AND FORMAT DESIGNATED BY** the Secretary [provides]; and
 - (ii) the fingerprints required under § 13–304(c)(2)(i) of this title; and
- (3) pay to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**
 - (i) an application fee of \$15; and
 - (ii) the fees required under § 13–304(c)(2) of this title.

13–404.1.

(a) By regulation, the Secretary shall stagger the terms of the certifications under this subtitle.

(b) Unless a certification is renewed for a 3-year term as provided in this section, the certification expires on the date the Secretary sets.

(c) At least 90 days before a certification expires, the applicant shall **[deliver]** **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY**:

(1) a renewal application **[form]**;

(2) the amount of the renewal fee **IN A METHOD APPROVED BY THE SECRETARY**; and

(3) the amount of any late fee, as determined by the Secretary.

(d) An individual periodically may renew the certification for an additional 3-year term, if the individual:

(1) is otherwise entitled to be certified;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY**:

(i) a renewal fee of \$10;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) any late fee required under this subtitle; and

(3) submits to the Secretary:

(i) a renewal application **[on the form the Secretary provides]** **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY**; and

(ii) two complete sets of the applicant's legible fingerprints taken **[on forms]** **IN A FORMAT** approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.

(f) (1) Subject to paragraph (2) of this subsection, if a complete application for renewal of certification as required under this subtitle is not received by the Secretary at least 30 calendar days before the certification expires, the Secretary shall assess a late fee of \$5 per day until the application is received by the Secretary, unless the applicant did not

make timely renewal because of incapacity, hospitalization, being called to active military duty, or other hardship.

(2) The total amount of late fees assessed under this subsection may not exceed \$150.

(3) The Secretary may not certify any applicant under this title if the applicant has outstanding late fee obligations.

(g) (1) The Secretary shall renew the certification of each individual who meets the requirements of this section.

(2) Within 5 days after the Secretary refuses to renew the certification of an individual as a private detective, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.

18–303.

(a) An applicant for a license shall:

(1) submit to the Secretary an application [on the form that] IN THE MANNER AND FORMAT DESIGNATED BY the Secretary [provides];

(2) submit the documents required by this section; and

(3) pay to the Secretary IN A METHOD APPROVED BY THE SECRETARY:

(i) an application fee of \$100;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(b) The application [form] provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18–504 of this title.

(c) If the applicant is a firm, the representative member shall complete the application [form] and otherwise be responsible for the firm’s compliance with this section.

(d) (1) The application shall be accompanied by at least two written recommendations for the applicant.

(2) Each recommendation shall be signed, under oath, by a reputable citizen of the State.

(e) (1) An applicant for a license shall submit with the application [a set] **TWO COMPLETE SETS of THE APPLICANT'S** legible fingerprints [of the applicant on a form] **TAKEN IN A FORMAT** approved by the [Criminal Justice Information System] **DIRECTOR OF THE** Central Repository and the Director of the Federal Bureau of Investigation.

(2) If the applicant is a firm, the applicant shall pay the cost of the fingerprint [card] records check for each firm member.

(f) An applicant for a license shall submit with the application a copy of a bond or proof of insurance in accordance with the requirements of § 18–401 of this title.

(g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d), and (e) of this section and issue a license to an applicant who:

(1) provides adequate evidence that the applicant:

(i) is licensed to engage in the business of providing security systems services in another state; and

(ii) became licensed in the other state:

1. after meeting qualifications that are at least equivalent to those required in this State; and

2. after submitting to a State and national criminal records check; and

(2) pays to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY**, a processing fee of \$100.

18–307.

(a) By regulation, the Secretary shall stagger the terms of the licenses.

(b) Unless a license is renewed for a 3–year term as provided in this section, the license expires on the date the Secretary sets.

(c) At least 1 month before a license expires, the Secretary shall [mail or] electronically transmit to the agency **A NOTICE THAT STATES:**

(1) [a renewal application form; and

(2) a notice that states:

(i)] the date on which the current license expires;

[(ii)] (2) that the Secretary must receive the renewal application and proof of insurance or bonding as required in § 18–401 of this title at least 15 days before the license expiration date for the renewal to be issued and mailed before the license expires;

[(iii)] (3) the amount of the renewal fee;

[(iv)] (4) that, if the complete renewal application and proof of insurance or bonding as required in § 18–401 of this title are not received at least 15 days before the license expiration date, a fee of \$25 per day shall be charged against the agency until the day the license expires, at which time the agency shall be considered closed;

[(v)] (5) that an agency may not be issued a license under this title until all outstanding obligations are satisfied with the Secretary; and

[(vi)] (6) that the submission of a false statement in the renewal application or the submission of altered or false documents that are otherwise required is cause for revocation of the agency license.

(d) An agency periodically may renew the license for an additional 3–year term, if the license holder:

(1) otherwise is entitled to be licensed;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

(i) a renewal fee of \$100;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) any late fee required under this subtitle; and

(3) submits to the Secretary:

(i) a renewal application [on the form the Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

(ii) two complete sets of the applicant's legible fingerprints taken [on forms] IN A FORMAT approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and

(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of registration.

(e) In accordance with §§ 10–201 through 10–235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.

(f) The Secretary may waive the national criminal history records check required under subsection (d) of this section for an applicant who was issued a license under § 18–303(g) of this subtitle if the applicant pays to the Secretary, IN A METHOD APPROVED BY THE SECRETARY, a processing fee of \$100.

(g) If the renewal application was submitted as required in subsection (d) of this section and the national criminal history records check required under this section is not completed before the licensee's license expires, the Secretary shall allow the licensee to operate in a temporary license status if the licensee otherwise meets the requirements of this section.

(h) A licensee may operate in a temporary license status at the time of renewal only if the renewal application and all required documents and fees were submitted by the expiration date of the license.

(i) The temporary license status shall expire at the earlier of:

(1) the completion of the national criminal history records check of the applicant; or

(2) the renewal or denial of the license.

(j) The Secretary shall renew the license of each applicant who meets the requirements of this section.

18–3A–03.

(a) An applicant for registration shall:

(1) submit to the Secretary an application [on the form that the Secretary provides] IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;

(2) submit the documents required by this section; and

(3) pay to the Secretary IN A METHOD APPROVED BY THE SECRETARY;

(i) an application fee that is the higher of \$15 or an amount the Secretary determines based on actual processing costs; and

(ii) the cost of any background checks.

(b) The application [form] provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under § 18–504 of this title.

(c) An applicant for registration shall submit with the application [a set] **TWO COMPLETE SETS of THE APPLICANT’S** legible fingerprints [of the applicant on forms] **TAKEN IN A FORMAT** approved by the [Criminal Justice Information System] **DIRECTOR OF THE** Central Repository and the Director of the Federal Bureau of Investigation.

(d) The Secretary may waive the requirements of this section and register an applicant who:

(1) provides adequate evidence that the applicant:

(i) is licensed in another state to engage in the business of providing security systems services or registered in another state as a security systems technician or other individual who has access to circumventational information; and

(ii) became licensed or registered in the other state:

1. after meeting qualifications that are at least equivalent to those required in this State; and

2. after submitting to a State and national criminal records check; and

(2) pays to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY**, a processing fee that is the higher of \$15 or an amount the Secretary determines based on actual processing costs.

(e) A minor in an apprenticeship program approved by the Maryland Department of Labor or a cooperative education program established under § 18–3A–02 of this subtitle is not required to meet the criminal background check and fingerprint requirements of this section.

18–3A–07.

(a) By regulation, the Secretary shall stagger the terms of the registrations under this subtitle.

(b) Unless a registration is renewed for a 3-year term as provided in this section, the registration expires on the date the Secretary sets.

(c) At least 90 days before a registration expires, the applicant shall [deliver] **SUBMIT** to the Secretary:

(1) a renewal application [form] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

(2) the amount of the renewal fee **IN A METHOD APPROVED BY THE SECRETARY;** and

(3) the amount of any late fee, as determined by the Secretary.

(d) An individual periodically may renew a registration for an additional 3-year term if the individual:

(1) otherwise is entitled to be registered;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

(i) a renewal fee that is the higher of \$15 or an amount which the Secretary determines based on the actual processing costs;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) any late fee required under this subtitle; and

(3) submits to the Secretary:

(i) a renewal application [on the form the Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

(ii) two complete sets of the applicant's legible fingerprints taken [on forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation; and

(iii) satisfactory evidence of compliance with any other requirements under this section for renewal of registration.

(e) In accordance with §§ 10–201 through 10–235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant’s criminal history records information.

(f) (1) Subject to paragraph (2) of this subsection, if a complete application for renewal of registration as required under this subtitle is not received by the Secretary at least 30 calendar days before the certification expires, the Secretary shall assess a late fee of \$5 per day until the application is received by the Secretary.

(2) The total amount of late fees assessed under this subsection may not exceed \$150.

(3) The Secretary may not register any applicant under this title if the applicant has outstanding late fee obligations.

(g) The Secretary may waive the national criminal history records check required under subsection (d) of this section for an applicant who was registered under § 18–3A–03 of this subtitle if the applicant pays to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY**, a processing fee of \$15.

(h) If the renewal application was submitted as required under this section and the national criminal history records check required under this section is not completed before a registration expires, the Secretary shall allow the applicant to operate in a temporary registration status if the applicant otherwise meets the requirements of this section.

(i) The temporary registration status shall expire at the earlier of:

(1) the completion of the national criminal history records check of the applicant; or

(2) the renewal or denial of the registration.

(j) (1) The Secretary shall renew the registration of each individual who meets the requirements of this section.

(2) Within 5 days after the Secretary refuses to renew the registration of an individual under this title, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.

19–101.

(a) In this title the following words have the meanings indicated.

(b) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(c) “Certification card” means a card issued by the Secretary under § 19–405 of this title to an individual certified as a security guard.

(d) “Firm” means a partnership or corporation.

(e) “Firm member” means a partner of a partnership or an officer or director of a corporation.

(f) “License” means, unless the context requires otherwise, a license issued by the Secretary to conduct a business to provide security guard services.

(g) “Licensed security guard agency” means a person who is licensed by the Secretary to conduct a business that provides security guard services.

(h) “Police officer” has the meaning stated in § 2–101 of the Criminal Procedure Article.

(i) “Representative member” means a firm member who is appointed under § 19–302(b) of this title to act on behalf of the firm.

(j) “Secretary”, unless the context requires otherwise, means the Secretary of State Police.

(k) “Security guard” means an individual who, regardless of whether the individual is described as a security guard, watchman, or private patrolman or by other title:

(1) (i) is an employee of a security guard agency; and

(ii) provides security guard services to another person on behalf of the security guard agency; or

(2) (i) is an employee of a security guard employer; and

(ii) provides security guard services to the security guard employer.

(l) (1) “Security guard agency” means a person who conducts a business that provides security guard services.

(2) “Security guard agency” does not include:

(i) a person that is primarily engaged in the business of owning, maintaining, or otherwise managing property; or

(ii) a security guard employer.

(m) (1) “Security guard employer” means a person who employs security guards only to provide security guard services to the person.

(2) “Security guard employer” does not include a security guard agency.

(n) “Security guard services” includes any activity that is performed for compensation as a security guard to protect any individual or property, except the activities of an individual while performing as:

(1) a marine guard or ship watchman, regardless of whether the guard or watchman is stationed aboard a ship or on a pier;

(2) a special police officer appointed and while performing under Title 3, Subtitle 3 of the Public Safety Article or § 16–16 of the Code of Public Local Laws of Baltimore City; or

(3) an unarmed employee of a bar, tavern, or restaurant.

19–304.

(a) (1) An applicant for a license shall:

(i) submit to the Secretary an application [on the form that] **IN THE MANNER AND FORMAT DESIGNATED BY** the Secretary [provides];

(ii) submit the documents required under this section; and

(iii) pay to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY**, the fees required under subsection (b) of this section.

(2) If the applicant is a firm, the representative member shall complete the application [form] and otherwise be responsible for the firm’s compliance with this section.

(b) (1) An applicant for a license shall pay to the Secretary an application fee of:

(i) \$200, if the applicant is an individual; or

(ii) \$375, if the applicant is a firm; and

(iii) the fees authorized under subsection (c) of this section.

(2) (i) As part of the application for a license, the applicant shall submit to the Secretary the fingerprints required under subsection (c) of this section.

(ii) If the applicant is a firm, the applicant shall pay the cost of the fingerprint card record checks for each firm member.

(c) (1) The Department of State Police shall apply to the Central Repository for a State and national criminal history records check for each applicant.

(2) As part of the application for a criminal history records check, the Department of State Police shall submit to the Central Repository:

(i) two complete sets of the applicant's legible fingerprints taken [on forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) In accordance with §§ 10-201 through 10-235 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history record information.

(4) Information obtained from the Central Repository under this section shall be:

(i) confidential and may not be disseminated; and

(ii) used only for the purpose authorized by this section.

(5) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10-223 of the Criminal Procedure Article.

(d) (1) If the applicant is an individual, the application [form] provided by the Secretary shall require:

(i) the name of the applicant;

(ii) the age of the applicant;

(iii) the address of the applicant; and

(iv) the current and previous employment of the applicant.

(2) If the applicant is a firm, the application [form] provided by the Secretary shall require:

- (i) a list of all of the firm members; and
- (ii) for each firm member, the same information required regarding an individual applicant under paragraph (1) of this subsection.

(3) For all applicants, the application [form] shall require:

(i) the address of the applicant's proposed principal place of business and of each proposed branch office;

(ii) any trade or fictitious name that the applicant intends to use while conducting the business of the security guard agency;

(iii) the submission of a facsimile of any trademark that the applicant intends to use while conducting the business of the security guard agency; and

(iv) as the Secretary considers appropriate, any other information to assist in the evaluation of:

1. an individual applicant; or
2. if the applicant is a firm, any firm member.

(e) The application [form] provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19–605 and 19–607 of this title.

(f) (1) If the applicant is an individual, the application [form] shall be signed, under oath, by the individual.

(2) If the applicant is a firm, the application [form] shall be signed, under oath, by the representative member, as the representative member, and shall provide proof to the Secretary that the representative member is a member of the firm.

(g) (1) If the applicant is an individual, the application shall be accompanied by at least three names of individuals who can attest to the character of the applicant.

(2) If the applicant is a firm, the application shall be accompanied by at least three names of individuals who can attest to the character of each firm member.

(h) An applicant for a license who intends to employ [at least five] **ONE OR MORE** individuals as security guards shall submit with the application proof of commercial

general liability insurance[, including errors and omissions and completed operations with a \$1,000,000 total aggregate minimum], as required under § 19–504 of this title.

(i) In addition to meeting the other requirements of this section, a nonresident applicant shall submit a consent and any related document, as required by § 19–505 of this title.

19–308.

(a) By regulation, the Secretary shall stagger the terms of the licenses.

(b) Unless a license is renewed for a 3–year term as provided in this section, the license expires on the date the Secretary sets.

(c) At least 1 month before a license expires, the Secretary shall [mail or] electronically transmit to the licensee **A NOTICE THAT STATES:**

(1) [a renewal application form; and

(2) a notice that states:

(i)] the date on which the current license expires;

[(ii)] **(2)** that the Secretary must receive the renewal application and the statements required under § 19–309 of this subtitle, at least 15 days before the license expiration date, for the renewal to be issued and mailed before the license expires;

[(iii)] **(3)** the amount of the renewal fee;

[(iv)] **(4)** that, if the statements required under § 19–309 of this subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per day shall be charged against the licensee until the statements are received; and

[(v)] **(5)** that the submission of a false statement in the renewal application or in the annual statements is cause for revocation of the license.

(d) A licensee periodically may renew the license for an additional 3–year term, if the licensee:

(1) otherwise is entitled to be licensed;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

(i) a renewal fee of:

1. \$200, if the licensee is an individual; or

2. \$400, if the licensee is a firm;

(ii) payment for the cost of a fingerprint card record check by the Federal Bureau of Investigation; and

(iii) any late fee required under § 19–309 of this subtitle; and

(3) submits to the Secretary:

(i) a renewal application [on the form that the Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

(ii) a complete set of the applicant's legible fingerprints taken [on federal fingerprint cards] **IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

(iii) the statements required under § 19–309 of this subtitle and any other documentation that may be required by the Secretary to renew the agency license under this subtitle; and

(iv) two photographs of the applicant in a format approved by the Secretary.

(e) The Secretary shall renew the license of each licensee who meets the requirements of this section.

19–402.

(a) To qualify for certification as a security guard, an individual shall:

(1) meet the standards set by the Secretary;

(2) be an employee of or an applicant for employment with a licensed security guard agency or a security guard employer;

(3) be of good moral character and reputation;

(4) submit to the licensed security guard agency or the security guard employer, for forwarding to the Secretary:

(i) a sworn application [on the form the Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

- (ii) the fingerprints required under § 19–304(c) of this title;
- (iii) a nonrefundable application fee of \$15;
- (iv) a declaration under the penalties of perjury stating whether:

- 1. the individual has been convicted of:

- A. a disqualifying crime, under § 5–101 of the Public Safety Article; or

- B. a crime of violence, under § 14–101 of the Criminal Law Article;

- 2. if currently or formerly employed as a police officer, the individual has had any formal findings by a court, hearing board, or other governmental entity of unlawful or excessive use of force or of making a false statement during the individual's employment with the law enforcement agency; and

- 3. the individual plans to carry a handgun in the course of providing security guard services; and

- (v) documentation that the individual has either:

- 1. satisfactorily completed 12 hours of initial security training that is approved by the Maryland Police Training and Standards Commission under § 19–412 of this subtitle; or

- 2. been employed as a police officer in the 3 years immediately preceding the application;

- (5) pay to the licensed security guard agency or the security guard employer, for forwarding to the Secretary, the fees authorized under § 19–304(c) of this title; and

- (6) be at least 18 years old.

(b) On receipt from an applicant for certification as a security guard, a licensed security guard agency or security guard employer shall forward to the Secretary the applicant's application [form], fingerprint cards, and criminal history records check fees.

(c) (1) Subject to paragraph (2) of this subsection, an applicant for certification as a security guard shall complete 12 hours of initial security training that is approved by the Maryland Police Training and Standards Commission under § 19–412 of this subtitle.

(2) An applicant for certification may not be required to complete the training specified in paragraph (1) of this subsection if the applicant:

(i) has been employed as a police officer in the 3 years immediately preceding the application; and

(ii) provides supporting documentation with the application for certification as a security guard in accordance with subsection (a)(4)(v)2 of this section.

19–404.1.

(a) By regulation, the Secretary shall stagger the terms of the certifications.

(b) Unless a certification is renewed for a 3–year term as provided in this section, the certification expires on the date the Secretary sets.

(c) At least 90 days before a certification expires, the applicant shall [mail] **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY**:

(1) a renewal application [form];

(2) the amount of the renewal fee **IN A METHOD APPROVED BY THE SECRETARY**; and

(3) the amount of any late fee, as determined by the Secretary.

(d) An individual periodically may renew the certification for an additional 3–year term, if the individual:

(1) otherwise is entitled to be certified;

(2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY**:

(i) a renewal fee of \$10;

(ii) payment for the cost of a fingerprint card record check by the Federal Bureau of Investigation; and

(iii) any late fee required under this subtitle;

(3) (i) satisfactorily completes 8 hours of continuing security training that is approved by the Maryland Police Training and Standards Commission under § 19–412 of this subtitle; and

(ii) submits to the Secretary supporting documentation that demonstrates completion of the training; and

(4) submits to the Secretary a renewal application [on the form that the Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY.**

(e) (1) Subject to paragraph (2) of this subsection, if a complete application for renewal of certification as required under this subtitle is not received by the Secretary on or before the first business day of the next calendar month immediately following the renewal date, the Secretary shall assess a late fee of \$5 per day until the application is received by the Secretary.

(2) (i) The Secretary may not charge a late fee under paragraph (1) of this subsection if the applicant did not make timely renewal because of incapacity, hospitalization, being called to active military duty, or other hardship.

(ii) The total amount of late fees assessed against an applicant under this subsection may not exceed \$150.

(3) The Secretary may not certify any applicant under this subtitle if the applicant has outstanding late fee obligations.

(f) (1) The Secretary shall renew the certification of each individual who meets the requirements of this section.

(2) Within 5 days after the Secretary refuses to renew the certification of an individual as a security guard, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.

(g) At least 90 days before a certification expires, the licensed security guard agency or security guard employer shall submit a declaration to the Secretary under the penalties of perjury stating whether it knows that a certified security guard who provides security guard services on the security guard agency's behalf or for the security guard employer no longer satisfies all of the criteria for certification under § 19-402 of this subtitle.

Article – Public Safety

3-301.

(a) In this subtitle the following words have the meanings indicated.

(b) “Central Repository” has the meaning stated in § 10-101 of the Criminal Procedure Article.

(c) “Commission” means a special police commission issued under this subtitle.

(d) “Secretary” means the Secretary of State Police.

(e) “Special police officer” means an individual who holds a commission issued under this subtitle.

3–304.

(a) (1) The employer of an applicant for a commission shall submit the application under this section.

(2) A separate application is required for each individual applicant for a commission.

(b) (1) The employer of an applicant for a commission shall submit to the Secretary:

(i) an application in the manner and format designated by the Secretary; and

(ii) subject to paragraph (4) of this subsection, an application fee of \$100 **IN A METHOD APPROVED BY THE SECRETARY**, to cover the cost of an investigation of the applicant.

(2) As part of the application for a commission, the applicant shall submit to the Secretary [the set of fingerprints]:

(I) TWO SETS OF THE APPLICANT’S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; and

(II) THE fees required under subsection (c) of this section.

(3) The application fee is nonrefundable.

(4) An application fee may not be charged to a unit of the State.

(c) (1) The Secretary shall apply to the Central Repository for a State and national criminal history records check for each applicant for a special police commission.

(2) As part of the application for a criminal history records check, the Secretary shall submit to the Central Repository:

(i) a complete set of the applicant’s legible fingerprints taken in a format approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(ii) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(3) The Central Repository shall provide a receipt to the applicant for the fees paid in accordance with paragraph (2)(ii) and (iii) of this subsection.

(4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Secretary a printed statement of the applicant's criminal history information.

(5) Information obtained from the Central Repository under this section:

(i) is confidential and may not be disseminated; and

(ii) may be used only for the purposes authorized by this section.

(6) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Department of State Police Licensing Division a revised printed statement of the applicant's or special police officer's State criminal history record.

3–404.

(a) The chief railroad police officer of a railroad company shall:

(1) submit to the Secretary under oath an application for appointment of each railroad police officer [on the form that the Secretary requires] IN A MANNER AND FORMAT DESIGNATED BY THE SECRETARY; and

(2) pay to the Secretary the application fee set by the Secretary IN A METHOD APPROVED BY THE SECRETARY.

(b) The application fee is nonrefundable.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If the effective date of Chapter 763 is amended, this Act shall take effect on the taking effect of Chapter 763.

Approved by the Governor, May 16, 2024.