

HOUSE BILL 1111

E4

0lr3046

By: **Delegate J. Lewis**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Special Police Officers – Training and Renewal of Commission**

3 FOR the purpose of repealing the authorization for the Secretary of State Police to require
4 certain training; requiring a certain candidate for a commission as a special police
5 officer to complete certain training and education; exempting a certain candidate for
6 a commission as a special police officer from completing certain training under
7 certain circumstances; ~~reducing the duration of an initial commission as a special~~
8 ~~police officer; reducing the duration of a renewed commission as a special police~~
9 ~~officer; requiring an applicant for the renewal of a commission as a special police~~
10 officer to receive certain training before applying for renewal; and generally relating
11 to special police officers.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 3–303 and 3–312
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Public Safety**

20 3–303.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(a) The following entities may apply for the appointment of special police officers for the following purposes:

(1) a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;

(2) another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;

(3) a college, university, or public school system in the State, in order to protect its property or students; or

(4) a person that exists and functions for a legal business purpose, in order to protect its business property.

(b) The applicant for a commission shall be at least 18 years old.

(c) **(1) [The Secretary may require training and education for special police officers as the Secretary considers necessary] THIS SUBSECTION DOES NOT APPLY TO AN APPLICANT FOR A AN INITIAL COMMISSION WHO, WITHIN 5 YEARS PRIOR TO APPLICATION, HAS:**

(I) COMPLETED A BASIC TRAINING COURSE FOR POLICE OFFICERS APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION;

(II) COMPLETED A BASIC TRAINING COURSE FOR POLICE OFFICERS SIMILAR TO THE COURSE DESCRIBED IN ITEM (I) OF THIS PARAGRAPH IN ANOTHER STATE OR FOR THE FEDERAL GOVERNMENT;

(III) SEPARATED FROM A LAW ENFORCEMENT AGENCY IN GOOD STANDING; OR

(IV) COMPLETED TRAINING APPROVED BY THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION FOR A SPECIAL POLICE OFFICER AT A STATE INSTITUTION OF HIGHER EDUCATION.

(2) AN APPLICANT FOR A AN INITIAL COMMISSION SHALL COMPLETE A TRAINING COURSE APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE TRAINING AND STANDARDS COMMISSION CONSISTING OF AT LEAST 80 HOURS OF ~~TRAINING AND EDUCATION~~ INSTRUCTION, INCLUDING INSTRUCTION ON:

(I) CRIMINAL LAW;

**(II) CONSTITUTIONAL PROCEDURAL REQUIREMENTS RELATING
TO SEARCH, SEIZURE, AND ARREST; AND**

(III) THE APPROPRIATE USE OF FORCE.

3–312.

(a) An initial commission expires ~~3 years~~ ~~1 YEAR~~ after its date of issuance.

(b) (1) At the end of the term of a commission, the commission is renewable ~~for a 3-year term~~ ~~ANNUALLY~~ if:

**(I) BEFORE SUBMITTING AN APPLICATION FOR RENEWAL, THE
SPECIAL POLICE OFFICER HAS COMPLETED 12 HOURS OF IN-SERVICE TRAINING
APPROVED BY THE SECRETARY IN CONSULTATION WITH THE MARYLAND POLICE
TRAINING AND STANDARDS COMMISSION; AND**

(II) the employer of the special police officer submits to the Secretary:

~~(i)~~ **1.** an application in the manner and format designated by the Secretary;

~~(ii)~~ **2.** one complete set of the applicant's legible fingerprints taken in a format approved by the Director of the Federal Bureau of Investigation;

~~(iii)~~ **3.** the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

~~(iv)~~ **4.** subject to paragraph (2) of this subsection, a renewal fee of \$60.

(2) A renewal fee may not be charged to a unit of the State.

(c) (1) The Secretary shall apply to the Central Repository for a 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 Federal Bureau of Investigation; and

(ii) 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) 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.

(d) The Secretary may set the deadline for submitting a renewal application to the Secretary.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.