

HOUSE BILL 224

Unofficial Copy  
C2

2001 Regular Session  
(11r0005)

ENROLLED BILL

-- Commerce and Government Matters/Judicial Proceedings --

Introduced by **Chairman, Economic Matters Committee (Departmental - State Police)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 649

1 AN ACT concerning

2 **Private Detectives, Security Guards, and Security Systems Technicians -**  
3 **Licensing - Fines**

4 FOR the purpose of ~~authorizing~~ requiring the Secretary of the State Police to adopt  
5 regulations to establish certain fines that may be assessed under certain  
6 circumstances; requiring certain persons to be licensed as private detectives,  
7 security guards, or security systems technicians by the Secretary of the State  
8 Police before soliciting for to engage in certain business; requiring certain  
9 persons to be licensed as private detectives, security guards, or security systems  
10 technicians by the Secretary of State Police before engaging individuals to be  
11 certified as private detectives by the Secretary before soliciting to engage in  
12 certain business; requiring certain individuals to be registered as security  
13 systems technicians by the Secretary before soliciting to engage in certain  
14 business; prohibiting an individual from providing, attempting to provide,  
15 offering to provide, or soliciting to provide security guard services in the State  
16 unless certified as a security guard by the Secretary; clarifying language

1 requiring certain training to be approved and recognized by the Maryland Police  
 2 Training Commission; authorizing the Secretary of the State Police to ~~issue~~  
 3 assess fines under certain circumstances to private detectives, security guards,  
 4 or security systems technicians; limiting the authority of the Secretary to assess  
 5 fines under certain circumstances; authorizing the Secretary of the State Police  
 6 to ~~issue~~ charge late fees under certain circumstances; requiring certain persons  
 7 to pay certain fines by a certain date under certain circumstances; authorizing  
 8 private detectives, security guards, or security systems technicians to request a  
 9 hearing under certain circumstances; making stylistic changes; and generally  
 10 relating to private detectives, security guards, and security systems technicians  
 11 and the regulatory authority of the Secretary of the State Police.

12 BY repealing and reenacting, with amendments,  
 13 Article - Business Occupations and Professions  
 14 Section 13-202, 13-301, 13-303, 13-313, 13-409, 13-701, 13-707, 18-301,  
 15 18-307, 18-309, 18-3A-09, 18-402, 18-501, 18-504, 19-202, 19-301,  
 16 19-303, 19-313, 19-408, 19-601, and 19-607  
 17 Annotated Code of Maryland  
 18 (2000 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, without amendments,  
 20 Article - Business Occupations and Professions  
 21 Section 13-315, 13-411, 18-310, 18-311, 18-3A-10, 18-3A-11, 19-315, and  
 22 19-410  
 23 Annotated Code of Maryland  
 24 (2000 Replacement Volume and 2000 Supplement)

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

27 **Article - Business Occupations and Professions**

28 13-202.

29 (a) In addition to any powers set forth elsewhere, the Secretary may:

30 (1) adopt regulations to carry out this title;

31 (2) use any member of the Department of State Police, as necessary, to  
 32 carry out and enforce this title; {and}

33 (3) make inquiries and conduct an investigation regarding any  
 34 applicant:

35 (i) for a license; or

36 (ii) for employment with a licensee as a private detective; ~~AND~~

1           (4)     ~~ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE~~  
 2 ~~WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 13-313 AND 13-409 OF THIS~~  
 3 ~~TITLE.~~

4           (b)     In addition to any duties set forth elsewhere, the Secretary shall:

5           (1)     adopt regulations that set standards for the certification of employees  
 6 of private detective agencies as private detectives; ~~and~~

7           (2)     keep a roster of the individuals certified as private detectives under  
 8 this title, including on the roster:

9           (i)     the names of individuals certified;

10          (ii)    the name of the licensed private detective agency with or by  
 11 which each individual is associated or employed; and

12          (iii)   any other information that the Secretary considers appropriate;

13 AND

14          (3)     ADOPT BY REGULATION A SCHEDULE OF FINES FOR VIOLATIONS OF  
 15 THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER §§ 13-313 AND 13-409  
 16 OF THIS TITLE.

17 13-301.

18          (a)     Except as otherwise provided in this title, a person shall be licensed by the  
 19 Secretary as a private detective agency before the person may [conduct a business  
 20 that provides private detective services in the State]:

21          (1)     CONDUCT A BUSINESS THAT PROVIDES PRIVATE DETECTIVE  
 22 SERVICES IN THE STATE; AND

23          (2)     SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING TO ENGAGE  
 24 IN A BUSINESS THAT PROVIDES PRIVATE DETECTIVE SERVICES IN THE STATE.

25          (b)     An individual or a firm may qualify for a license as a private detective  
 26 agency.

27 13-303.

28          (a)     In this section, "organized police agency" means:

29          (1)     a police department of the State or of a county or municipal  
 30 corporation of the State;

31          (2)     a private police department that is allowed to enroll its officers in  
 32 approved MARYLAND Police Training Commission schools and academies; or

33          (3)     a law enforcement agency of the United States, of any state, or of any  
 34 county or municipal corporation of any state.

1 (b) An individual applicant or, if the applicant is a firm, the representative  
2 member shall have:

3 (1) at least 5 years of experience as a full-time certified or licensed  
4 private detective;

5 (2) at least:

6 (i) 5 years of experience as a full-time police officer with an  
7 organized police agency; and

8 (ii) completed successfully [the] A police officer training course [of  
9 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training  
10 Commission;

11 (3) at least 3 years of experience in an investigative capacity as a  
12 detective while serving as a police officer with an organized police agency;

13 (4) at least:

14 (i) 3 years of experience in an investigative capacity in any unit of  
15 the United States, of the State, or of a county or municipal corporation of the State for  
16 the purpose of law enforcement; and

17 (ii) completed successfully the police officer training required by  
18 the MARYLAND Police Training Commission; or

19 (5) at least:

20 (i) 5 years of experience as a full-time fire investigator for a fire  
21 department or law enforcement agency of the State or of a county or municipal  
22 corporation of the State; and

23 (ii) completed successfully the training certified by the MARYLAND  
24 Police Training Commission or the Maryland Fire-Rescue Education and Training  
25 Commission.

26 13-313.

27 (a) Subject to the hearing provisions of § 13-315 of this subtitle, the Secretary  
28 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR  
29 AGENCY, or suspend or revoke a license if the applicant or licensee:

30 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
31 the applicant or licensee or for another;

32 (2) fraudulently or deceptively uses a license;

33 (3) aids an individual to obtain or to attempt to obtain fraudulently or  
34 deceptively certification under this title as a private detective;

1 (4) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a  
2 business providing private detective services in the State;

3 (5) while not licensed, willfully advertises:

4 (i) as a private detective agency; or

5 (ii) the provision of private detective services;

6 (6) willfully makes a false statement or misrepresentation that an  
7 individual is or was in the employ of the applicant or licensee;

8 (7) willfully makes a false statement or misrepresentation in any  
9 renewal application, in any annual statement, or in any other report or document that  
10 the Secretary requires to be submitted;

11 (8) fails to notify the Secretary about any change among the firm  
12 members or in the address of the principal office or any branch office of a licensee;

13 (9) fails to maintain a bond as required by § 13-603 of this title;

14 (10) fails to maintain the liability insurance required under § 13-604 of  
15 this title; or

16 (11) violates any ~~PROVISION OF ARTICLE 27 OR~~ other provision of this  
17 title.

18 (b) For purposes of this section, an act or omission of any principal, agent, or  
19 employee of an applicant or licensee may be construed to be the act or omission of the  
20 applicant or licensee, as well as of the principal, agent, or employee.

21 13-315.

22 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
23 before the Secretary takes any final action under § 13-313 of this subtitle, the  
24 Secretary shall give the person against whom the action is contemplated an  
25 opportunity for a hearing before the Secretary.

26 (b) The Secretary shall give notice and hold the hearing in accordance with  
27 Title 10, Subtitle 2 of the State Government Article.

28 (c) The Secretary may administer oaths in connection with any proceeding  
29 under this section.

30 (d) The hearing notice to be given to the person shall be written and sent at  
31 least 10 days before the hearing.

32 (e) The person may be represented at the hearing by counsel.

1 (f) If, after due notice, the person against whom the action is contemplated  
2 fails or refuses to appear, nevertheless the Secretary may hear and determine the  
3 matter.

4 13-409.

5 Subject to the hearing provisions of § 13-411 of this subtitle, the Secretary may  
6 deny certification as a private detective to any applicant, reprimand OR FINE any  
7 individual certified as a private detective, or suspend or revoke the certification of an  
8 individual:

9 (1) for any applicable ground under § 13-313 of this title;

10 (2) if the applicant or individual fraudulently or deceptively obtains or  
11 attempts to obtain certification as a private detective for the applicant or individual  
12 or for another; or

13 (3) if the applicant or individual fails to maintain the standards set by  
14 the Secretary for certification as a private detective.

15 13-411.

16 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
17 before the Secretary takes any final action under § 13-409 of this subtitle, the  
18 Secretary shall give the individual against whom the action is contemplated an  
19 opportunity for a hearing before the Secretary.

20 (b) The Secretary shall give notice and hold the hearing in accordance with  
21 Title 10, Subtitle 2 of the State Government Article.

22 (c) The Secretary may administer oaths in connection with any proceeding  
23 under this section.

24 (d) The hearing notice to be given to the individual shall be written and sent  
25 at least 10 days before the hearing.

26 (e) The individual may be represented at the hearing by counsel.

27 (f) If, after due notice, the individual against whom the action is  
28 contemplated fails or refuses to appear, nevertheless the Secretary may hear and  
29 determine the matter.

30 13-701.

31 (a) A person may not engage in, attempt to engage in, [or] offer to engage in,  
32 OR SOLICIT TO ENGAGE IN a business for the purpose of providing private detective  
33 services in the State unless licensed as a private detective agency by the Secretary.

34 (b) An individual may not provide, attempt to provide, [or] offer to provide,  
35 OR SOLICIT TO PROVIDE private detective services in the State unless certified as a  
36 private detective by the Secretary.

1 13-707.

2 (A) A person who violates any provision of this title is guilty of a misdemeanor  
3 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not  
4 exceeding 1 year or both.

5 (B) THE FINES ASSESSED UNDER §§ 13-313 AND 13-409 OF THIS TITLE MAY  
6 NOT EXCEED \$5,000 PER VIOLATION, OR A MAXIMUM AGGREGATE OF \$10,000 FOR A  
7 2-YEAR LICENSE TERM, AND SHALL BE PAID TO THE SECRETARY WITHIN 10 DAYS  
8 AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF ANY  
9 HEARING.

10 (C) NOTWITHSTANDING THE PROVISIONS OF §§ 13-313 AND 13-409 OF THIS  
11 TITLE, THE SECRETARY MAY FINE EITHER THE LICENSED AGENCY OR THE  
12 CERTIFIED INDIVIDUAL WORKING ON BEHALF OF THE LICENSED AGENCY, BUT NOT  
13 BOTH, FOR THE SAME VIOLATION.

14 18-301.

15 Except as otherwise provided in this title, a person may not engage, OR SOLICIT  
16 TO ENGAGE, in the business of providing security systems services in the State unless  
17 the person obtains a license and meets the requirements of § 18-401 of this title.

18 18-307.

19 (a) Unless a license is renewed for a 2-year term as provided in this section,  
20 the license expires on the first April 1 that comes:

21 (1) after the effective date of the license; and

22 (2) in an odd-numbered year.

23 (b) At least 1 month before a license expires, the Secretary shall mail to the  
24 licensee, at the last known address of the licensee:

25 (1) a renewal application form; and

26 (2) a notice that states:

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

28 [(ii) the date by which the Secretary must receive the renewal  
29 application for the renewal to be issued and mailed before the license expires; and]

30 (II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL  
31 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS AT LEAST 15 DAYS BEFORE  
32 THE LICENSE EXPIRATION DATE FOR THE RENEWAL TO BE ISSUED AND MAILED  
33 BEFORE THE LICENSE EXPIRES;

34 (iii) the amount of the renewal fee;

1 (IV) THAT, IF THE RENEWAL APPLICATION AND ALL REQUIRED  
2 FEES AND DOCUMENTS ARE NOT RECEIVED AT LEAST 15 DAYS BEFORE THE LICENSE  
3 EXPIRATION DATE, THE LICENSEE SHALL BE ~~ASSESSED~~ CHARGED A FEE OF \$10 PER  
4 DAY UNTIL THE COMPLETE RENEWAL APPLICATION AND FEES ARE RECEIVED; AND

5 (V) THAT, IF THE LICENSEE FAILS TO SUBMIT THE RENEWAL  
6 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS BY THE EXPIRATION DATE  
7 OF THE LICENSE, THE LICENSEE SHALL BE CONSIDERED CLOSED AND MAY NOT  
8 CONDUCT BUSINESS.

9 (c) (1) Before the license expires, the licensee periodically may renew it for  
10 an additional 2-year term, if the licensee:

11 [(1)] (I) otherwise is entitled to be licensed;

12 [(2)] (II) pays to the Secretary a renewal fee of \$100 which shall include  
13 the cost of the Maryland and national criminal records check or the fee provided in  
14 subsection (e) of this section, if applicable; and

15 [(3)] (III) submits to the Secretary:

16 [(i)] 1. a renewal application on the form that the Secretary  
17 provides;

18 [(ii) 1.] 2. A. a set of legible fingerprints of the licensee on  
19 forms approved by the Criminal Justice Information System Central Repository and  
20 the Director of the Federal Bureau of Investigation; or

21 [2.] B. if the licensee is a firm, a set of legible fingerprints  
22 for each firm member as required under item 1 of this subparagraph; [and]

23 [(iii)] 3. satisfactory evidence of compliance with any other  
24 requirements set under this section for license renewal; AND

25 4. ANY LATE FEE REQUIRED UNDER THIS SECTION.

26 [(4)] (2) If the licensee is a firm, the licensee shall pay the cost of the  
27 fingerprint card records check for each firm member.

28 (d) Except as provided in subsection (e) of this section, before renewing a  
29 license, the Secretary shall conduct a State and national criminal records check for  
30 each licensee, or each firm member if the applicant is a firm, who applies for a  
31 renewal of a license.

32 (e) The Secretary may waive the State and national criminal records check  
33 required under subsection (d) of this section for a licensee who was issued a license  
34 under § 18-303(g) of this subtitle if the licensee:

35 (1) provides adequate evidence that:

1 (i) the license of the licensee issued by another state was renewed  
2 by that other state within 1 year of the expiration date of the license issued under this  
3 subtitle; and

4 (ii) the renewal occurred after the licensee submitted to a state and  
5 national criminal records check; and

6 (2) pays to the Secretary a processing fee of \$100.

7 (f) If the State and national criminal records check required under subsection  
8 (d) of this section is not completed before a license expires, the Secretary shall issue a  
9 temporary license to a licensee who otherwise meets the requirements of this section.

10 (g) A temporary license issued under subsection (f) of this section shall expire  
11 at the earlier of:

12 (1) the completion of the State and national criminal records check of the  
13 licensee; or

14 (2) the renewal or the denial of the license.

15 (H) IF THE SECRETARY DOES NOT RECEIVE THE RENEWAL APPLICATION AND  
16 ALL FEES AND DOCUMENTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AT  
17 LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE, THE SECRETARY SHALL  
18 CHARGE THE LICENSEE A LATE FEE OF \$10 PER DAY UNTIL THE RENEWAL  
19 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS ARE RECEIVED.

20 [(h)] (I) The Secretary shall renew the license of each licensee who meets the  
21 requirements of this section.

22 18-309.

23 Subject to the hearing provisions of § 18-310 of this subtitle, the Secretary may  
24 deny a license to any applicant, reprimand any licensee, FINE A LICENSEE, or  
25 suspend or revoke a license if the applicant or licensee, or a firm member or employee  
26 of an applicant or licensee that is a firm:

27 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
28 the applicant or licensee or for another;

29 (2) fraudulently or deceptively uses a license;

30 (3) has a similar license denied, suspended, or revoked in another  
31 jurisdiction;

32 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft  
33 offense, or crime of moral turpitude;

34 (5) aids an individual in obtaining or attempting to obtain fraudulently  
35 or deceptively licensure under this title as a security systems technician;

1 (6) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a  
2 business providing security systems services;

3 (7) while not licensed, willfully advertises as a security systems  
4 technician;

5 (8) willfully makes a false statement or misrepresentation in any  
6 renewal application or in any other document that the Secretary requires to be  
7 submitted; or

8 (9) violates any other provision of this title.

9 18-310.

10 (a) Before the Secretary takes any final action under § 18-309 of this subtitle,  
11 the Secretary shall give the person against whom the action is contemplated an  
12 opportunity for a hearing before the Secretary.

13 (b) The Secretary shall give notice and hold the hearing in accordance with  
14 Title 10, Subtitle 2 of the State Government Article.

15 (c) The hearing notice to be given to the person shall be sent by certified mail  
16 to the last known address of the person at least 10 business days before the hearing.

17 (d) The Secretary may administer oaths in connection with any proceeding  
18 under this section.

19 (e) The person may be represented at the hearing by counsel.

20 (f) If, after due notice, the person against whom the action is contemplated  
21 fails or refuses to appear, nevertheless, the Secretary may hear and determine the  
22 matter.

23 18-311.

24 Any person aggrieved by a final decision of the Secretary in a contested case, as  
25 defined in § 10-202 of the State Government Article, may take an appeal as allowed  
26 in Title 10, Subtitle 2 of the State Government Article.

27 18-3A-09.

28 Subject to the hearing provisions of § 18-3A-10 of this subtitle, the Secretary  
29 may deny registration to any applicant, reprimand any registrant, FINE ANY  
30 REGISTRANT, or suspend or revoke a registration if the applicant or registrant:

31 (1) fraudulently or deceptively obtains or attempts to obtain a  
32 registration for the applicant or registrant or for another;

33 (2) fraudulently or deceptively uses a registration;

1 (3) has a similar license or registration denied, suspended, or revoked in  
2 another jurisdiction;

3 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft  
4 offense, or crime of moral turpitude;

5 (5) aids an individual in obtaining or attempting to obtain fraudulently  
6 or deceptively registration under this title;

7 (6) while not registered as a security systems technician and employed  
8 by or under contract with a security systems agency licensed under this title,  
9 SOLICITS TO ENGAGE IN OR willfully engages in personally providing security  
10 systems services;

11 (7) while not registered as a security systems technician and employed  
12 by or under contract with a security systems agency licensed under this title, willfully  
13 advertises as a security systems technician;

14 (8) willfully makes a false statement or misrepresentation in any  
15 renewal application or in any other document that the Secretary requires to be  
16 submitted; or

17 (9) violates any other provision of this title.

18 18-3A-10.

19 (a) Before the Secretary takes any final action under § 18-3A-09 of this  
20 subtitle, the Secretary shall give the individual against whom the action is  
21 contemplated an opportunity for either:

22 (1) a hearing before the Secretary; or

23 (2) a hearing before an advisory panel consisting of the following  
24 members appointed by the Secretary:

25 (i) a member of the Department of State Police;

26 (ii) a representative of the security systems industry; and

27 (iii) three members representing consumers.

28 (b) The Secretary or the advisory panel shall give notice and hold the hearing  
29 in accordance with Title 10, Subtitle 2 of the State Government Article.

30 (c) The hearing notice to be given to the individual shall be sent by certified  
31 mail to the last known address of the individual at least 10 business days before the  
32 hearing.

33 (d) The Secretary or the advisory panel may administer oaths in connection  
34 with any proceeding under this section.

1 (e) The individual may be represented at the hearing by counsel.

2 (f) If, after due notice, the individual against whom the action is  
3 contemplated fails or refuses to appear, the Secretary or the advisory panel may,  
4 nevertheless, hear and determine the matter.

5 18-3A-11.

6 Any person aggrieved by a final decision of the Secretary in a contested case, as  
7 defined in § 10-202 of the State Government Article, may take an appeal as allowed  
8 in Title 10, Subtitle 2 of the State Government Article.

9 18-402.

10 The Department of State Police shall adopt regulations necessary to effectuate  
11 and enforce this subtitle. THE REGULATIONS SHALL INCLUDE A SCHEDULE OF FINES  
12 FOR VIOLATIONS OF THIS SUBTITLE ~~WHICH~~ THAT MAY BE ASSESSED BY THE  
13 SECRETARY UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE.

14 18-501.

15 A person may not engage, attempt to engage, [or] offer to engage, OR SOLICIT  
16 TO ENGAGE in a business of providing security systems services in the State unless  
17 licensed by the Secretary.

18 18-504.

19 (A) A person who violates any provision of this title is guilty of a misdemeanor  
20 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not  
21 exceeding 1 year or both.

22 (B) THE FINES ASSESSED UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE MAY  
23 NOT EXCEED \$5,000 PER VIOLATION AND SHALL BE PAID TO THE SECRETARY WITHIN  
24 10 DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR THE WAIVER OF ANY  
25 HEARING.

26 19-202.

27 (a) In addition to any powers set forth elsewhere, the Secretary may:

28 (1) adopt regulations to carry out this title;

29 (2) use any member of the Department of State Police, as necessary, to  
30 carry out and enforce this title; {and}

31 (3) make inquiries and conduct an investigation regarding any  
32 applicant:

33 (i) for a license; or

34 (ii) for employment with a licensee as a security guard; ~~AND~~

1           (4)     ~~ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE~~  
 2 ~~WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 19-313 AND 19-408 OF THIS~~  
 3 ~~TITLE.~~

4           (b)     In addition to any duties set forth elsewhere, the Secretary shall:

5           (1)     adopt regulations that set standards for the certification of employees  
 6 of security guard agencies as security guards; ~~and~~

7           (2)     keep a roster of the individuals certified as security guards under  
 8 this title, including on the roster:

9                   (i)     the names of individuals certified;

10                   (ii)    the name of the licensed security guard agency with or by which  
 11 each individual is associated or employed; and

12                   (iii)   any other information that the Secretary considers appropriate;

13 AND

14           (3)     ADOPT BY REGULATION A SCHEDULE OF FINES FOR VIOLATIONS OF  
 15 THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER §§ 19-313 AND 19-408  
 16 OF THIS TITLE.

17 19-301.

18           (a)     Except as otherwise provided in this title, a person shall be licensed by the  
 19 Secretary as a security guard agency before the person may [conduct a business that  
 20 provides security guard services in the State]:

21           (1)     ~~CONDUCT A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES~~  
 22 ~~IN THE STATE; AND~~

23           (2)     SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING TO ENGAGE  
 24 IN A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES IN THE STATE.

25           (b)     An individual or a firm may qualify for a license as a security guard  
 26 agency.

27 19-303.

28           (a)     In this section, "organized police agency" means:

29           (1)     a police department of the State or of a county or municipal  
 30 corporation of the State;

31           (2)     a private police department that is allowed to enroll its officers in  
 32 approved MARYLAND Police Training Commission schools and academies; or

33           (3)     a law enforcement agency of the United States, of any state, or of any  
 34 county or municipal corporation of any state.

1 (b) An individual applicant or, if the applicant is a firm, the representative  
2 member shall have:

3 (1) at least 5 years experience as a full-time private detective certified  
4 under Title 13 of this article;

5 (2) at least:

6 (i) 5 years of experience as a full-time police officer with an  
7 organized police agency; and

8 (ii) completed successfully [the] A police officer training course [of  
9 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training  
10 Commission;

11 (3) at least 3 years of experience in an investigative capacity as a  
12 detective while serving as a police officer with an organized police agency;

13 (4) at least:

14 (i) 3 years of experience in an investigative capacity in any unit of  
15 the United States, of the State, or of a county or municipal corporation of the State for  
16 the purpose of law enforcement; and

17 (ii) completed successfully the police officer training [required by  
18 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training  
19 Commission; or

20 (5) at least:

21 (i) 5 years of experience as a full-time fire investigator for a fire  
22 department or law enforcement agency of the State or of a county or municipal  
23 corporation of the State; and

24 (ii) completed successfully the training certified by the MARYLAND  
25 Police Training Commission or the Maryland Fire-Rescue Education and Training  
26 Commission.

27 19-313.

28 (a) Subject to the hearing provisions of § 19-315 of this subtitle, the Secretary  
29 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR  
30 AGENCY, or suspend or revoke a license if the applicant or licensee:

31 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
32 the applicant or licensee or for another;

33 (2) fraudulently or deceptively uses a license;

34 (3) aids an individual to obtain or to attempt to obtain fraudulently or  
35 deceptively certification under this title as a security guard;

1 (4) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a  
2 business providing security guard services in the State;

3 (5) while not licensed, willfully advertises:

4 (i) as a security guard agency; or

5 (ii) the provision of security guard services;

6 (6) willfully makes a false statement or misrepresentation that an  
7 individual is or was in the employ of the applicant or licensee;

8 (7) willfully makes a false statement or misrepresentation in any  
9 renewal application, in any annual statement, or in any other report or document that  
10 the Secretary requires to be submitted;

11 (8) fails to notify the Secretary about any change among the firm  
12 members or in the address of the principal office or any branch office of a licensee;

13 (9) fails to maintain a bond as required by § 19-503 of this title;

14 (10) fails to maintain the liability insurance required under § 19-504 of  
15 this title; or

16 (11) violates any ~~PROVISION OF ARTICLE 27 OR~~ other provision of this  
17 title.

18 (b) For purposes of this section, an act or omission of any principal, agent, or  
19 employee of an applicant or licensee may be construed to be the act or omission of the  
20 applicant or licensee, as well as of the principal, agent, or employee.

21 19-315.

22 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
23 before the Secretary takes any final action under § 19-313 of this subtitle, the  
24 Secretary shall give the person against whom the action is contemplated an  
25 opportunity for a hearing before the Secretary.

26 (b) The Secretary shall give notice and hold the hearing in accordance with  
27 Title 10, Subtitle 2 of the State Government Article.

28 (c) The Secretary may administer oaths in connection with any proceeding  
29 under this section.

30 (d) The hearing notice to be given to the person shall be written and sent at  
31 least 10 days before the hearing.

32 (e) The person may be represented at the hearing by counsel.

1 (f) If, after due notice, the person against whom the action is contemplated  
2 fails or refuses to appear, nevertheless the Secretary may hear and determine the  
3 matter.

4 19-408.

5 Subject to the hearing provisions of § 19-410 of this subtitle, the Secretary may  
6 deny certification as a security guard to any applicant, reprimand OR FINE any  
7 individual certified as a security guard, or suspend, revoke, or refuse to renew the  
8 certification of an individual:

9 (1) for any applicable ground under § 19-313 of this title;

10 (2) if the applicant or individual fraudulently or deceptively obtains or  
11 attempts to obtain certification as a security guard for the applicant or individual or  
12 for another;

13 (3) if the applicant or individual fails to maintain the standards set by  
14 the Secretary for certification as a security guard; or

15 (4) if, under the laws of the United States or of any state, the applicant  
16 or individual pleads guilty or nolo contendere to or is convicted of:

17 (i) a felony; or

18 (ii) a misdemeanor that is directly related to the fitness and  
19 qualification of the applicant or individual to be certified as a security guard.

20 19-410.

21 (a) Except as otherwise provided in § 10-226 of the State Government Article,  
22 before the Secretary takes any final action under § 19-408 of this subtitle, the  
23 Secretary shall give the individual against whom the action is contemplated an  
24 opportunity for a hearing before the Secretary.

25 (b) The Secretary shall give notice and hold the hearing in accordance with  
26 Title 10, Subtitle 2 of the State Government Article.

27 (c) The Secretary may administer oaths in connection with any proceeding  
28 under this section.

29 (d) The hearing notice to be given to the individual shall be written and sent  
30 at least 10 days before the hearing.

31 (e) The individual may be represented at the hearing by counsel.

32 (f) If, after due notice, the individual against whom the action is  
33 contemplated fails or refuses to appear, nevertheless the Secretary may hear and  
34 determine the matter.

1 19-601.

2 ~~(A)~~ A person may not engage in, attempt to engage in, [or] offer to engage in,  
3 OR SOLICIT TO ENGAGE IN the business of providing security guards for hire in the  
4 State unless licensed as a security guard agency by the Secretary.

5 ~~(B) AN INDIVIDUAL MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO~~  
6 ~~PROVIDE, OR SOLICIT TO PROVIDE SECURITY GUARD SERVICES IN THE STATE~~  
7 ~~UNLESS CERTIFIED AS A SECURITY GUARD BY THE SECRETARY.~~

8 19-607.

9 (A) A person who violates any provision of this title is guilty of a misdemeanor  
10 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not  
11 exceeding 1 year or both.

12 (B) THE FINES ASSESSED UNDER §§ 19-313 AND 19-408 OF THIS TITLE MAY  
13 NOT EXCEED \$5,000 PER VIOLATION, OR A MAXIMUM AGGREGATE OF \$10,000 FOR A  
14 2-YEAR LICENSE TERM, AND SHALL BE PAID TO THE SECRETARY WITHIN 10 DAYS  
15 AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF ANY  
16 HEARING.

17 (C) NOTWITHSTANDING THE PROVISIONS OF §§ 19-313 AND 19-408 OF THIS  
18 TITLE, THE SECRETARY MAY FINE EITHER THE LICENSED AGENCY OR THE  
19 CERTIFIED INDIVIDUAL WORKING ON BEHALF OF THE LICENSED AGENCY, BUT NOT  
20 BOTH, FOR THE SAME VIOLATION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2001.