

# HOUSE BILL 1110

E4

(5lr0103)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Chair, Judiciary Committee (By Request – 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 \_\_\_\_\_

1 AN ACT concerning

### 2 **Law Enforcement – Special Police Officers**

3 FOR the purpose of ~~altering the minimum age of eligibility for a special police officer~~  
4 ~~commission~~, authorizing the Secretary of State Police to require a certain manner  
5 and format for an application for a commission; providing that a certain application  
6 fee is nonrefundable if a certain application is granted; requiring the Secretary to  
7 apply for a certain state and national criminal history records check under certain  
8 circumstances; requiring the Criminal Justice Information System Central  
9 Repository to provide a certain receipt to a certain applicant; requiring the Central  
10 Repository to forward to a certain applicant and the Secretary a printed statement  
11 of the applicant's criminal history information; providing that certain information  
12 obtained from the Central Repository is confidential and may only be used for certain  
13 purposes; requiring the Central Repository to provide to the Department of State  
14 Police Licensing Division a revised printed statement of a certain person's state

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



1 criminal history record under certain circumstances; requiring a special police officer  
 2 to wear a uniform that gives a certain notice; authorizing the Department of State  
 3 Police to approve certain vehicles and equipment for use by certain special police  
 4 officers; requiring the return of a certain certification card to the Secretary within a  
 5 certain time period under certain circumstances; altering the expiration date of the  
 6 initial commission of a special police officer; authorizing the Governor to delegate  
 7 the power to suspend a commission to the Secretary; authorizing the Secretary to  
 8 suspend a commission under certain circumstances; requiring a review of certain  
 9 suspensions by the Governor or his designee; defining certain terms; making stylistic  
 10 and conforming changes; and generally relating to special police officers.

11 BY repealing and reenacting, with amendments,  
 12 Article – Public Safety  
 13 Section 3–301, ~~3–302~~, 3–304, 3–305, 3–310, 3–312, and 3–313  
 14 Annotated Code of Maryland  
 15 (2011 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, without amendments,  
 17 Article – Public Safety  
 18 Section 3–302 and 3–316  
 19 Annotated Code of Maryland  
 20 (2011 Replacement Volume and 2014 Supplement)

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

23 **Article – Public Safety**

24 3–301.

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

26 **(B) “CENTRAL REPOSITORY” HAS THE MEANING STATED IN § 10–101 OF**  
 27 **THE CRIMINAL PROCEDURE ARTICLE.**

28 **[(b)] (C)** “Commission” means a special police commission issued under this  
 29 subtitle.

30 **[(c)] (D)** “Secretary” means the Secretary of State Police.

31 **[(d)] (E)** “Special police officer” means an individual who holds a commission  
 32 issued under this subtitle.

33 3–302.

1 The Governor may appoint and deputize as a special police officer each individual  
2 that the Governor considers qualified for a commission.

3 ~~3-303.~~

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

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

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

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

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

15 ~~(b) The applicant for a commission shall be at least [18] 21 years old.~~

16 ~~(c) The Secretary may require training and education for special police officers as~~  
17 ~~the Secretary considers necessary.~~

18 3-304.

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

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

23 (b) (1) The employer of an applicant for a commission shall **SUBMIT TO THE**  
24 **SECRETARY:**

25 (i) [submit to the Secretary an application on the form that the  
26 Secretary requires;] **AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY**  
27 **THE SECRETARY; AND**

28 (ii) [submit to the Secretary a complete set of the applicant's legible  
29 fingerprints on standard fingerprint cards;

30 (iii) pay to the Secretary a fee to cover the cost of the fingerprint  
31 record checks; and

1 (iv)] subject to paragraph [(3)] (4) of this subsection, [pay to the  
2 Secretary] an application fee of \$100, to cover the cost of an investigation of the applicant.

3 (2) AS PART OF THE APPLICATION FOR A COMMISSION, THE  
4 APPLICANT SHALL SUBMIT TO THE SECRETARY THE SET OF FINGERPRINTS AND  
5 FEES REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

6 [(2)] (3) The application fee is nonrefundable [if the application is  
7 denied].

8 [(3)] (4) An application fee may not be charged to a unit of the State.

9 (C) (1) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY  
10 FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH  
11 APPLICANT FOR A SPECIAL POLICE COMMISSION.

12 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY  
13 RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

14 (I) A COMPLETE SET OF THE APPLICANT'S LEGIBLE  
15 FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL  
16 REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

17 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE  
18 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY  
19 RECORDS; AND

20 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE  
21 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY  
22 RECORDS CHECK.

23 (3) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE  
24 APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (2)(II) AND (III)  
25 OF THIS SUBSECTION.

26 (4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL  
27 PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE  
28 APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S  
29 CRIMINAL HISTORY INFORMATION.

30 (5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY  
31 UNDER THIS SECTION:

1                   **(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND**

2                   **(II) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY**  
3 **THIS SECTION.**

4                   **(6) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO**  
5 **THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**  
6 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**  
7 **DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED**  
8 **STATEMENT OF THE APPLICANT'S OR SPECIAL POLICE OFFICER'S STATE CRIMINAL**  
9 **HISTORY RECORD.**

10 3-305.

11           (a) (1) The Secretary shall investigate the character, reputation, and  
12 qualifications of each applicant for a commission.

13           (2) The investigation shall include an investigation of the applicant's  
14 criminal record[, including checking records of local police departments and the Federal  
15 Bureau of Investigation].

16           (3) The Secretary shall conduct the investigation in accordance with rules  
17 and regulations adopted by the Secretary.

18           (b) (1) On completion of the investigation, the Secretary shall notify the  
19 applicant of the final decision of the Secretary on whether to recommend the denial or the  
20 granting of the application to the Governor.

21           (2) Any person aggrieved by a final decision of the Secretary to recommend  
22 the denial of an application under this section may take an appeal as a contested case in  
23 accordance with Title 10, Subtitle 2 of the State Government Article.

24           (c) (1) The Secretary shall transmit to the Governor:

25                   (i) the results of the investigation;

26                   (ii) a recommendation on denying or granting the application;

27                   (iii) the reasons for the recommendation; and

28                   (iv) the final disposition of any appeal made by an aggrieved person  
29 described in subsection (b)(2) of this section.

30           (2) The Governor may accept the recommendation of the Secretary but  
31 need not issue a commission approved by the Secretary if the Governor believes it not to be  
32 in the best interest of the State to do so.

1 3–310.

2 (a) (1) Unless a special police officer is on detective duty, the special police  
3 officer shall wear:

4 (i) a uniform that is distinguishable from ordinary civilian clothing  
5 and that gives notice that the special police officer is a **SPECIAL POLICE OFFICER** [law  
6 enforcement official]; and

7 (ii) a distinctive police badge that properly identifies the officer as a  
8 special police officer.

9 (2) The badge shall be worn in plain view.

10 (3) The uniform, badge, **VEHICLE, EQUIPMENT**, and identification are  
11 subject to approval by the Department of State Police.

12 (b) Each special police officer on detective duty shall carry:

13 (1) identification that properly identifies the special police officer as a  
14 special police officer; and

15 (2) the distinctive police badge described in subsection (a) of this section.

16 (c) **(1)** A special police officer shall surrender to the special police officer's  
17 employer any identification or badge that identifies the individual as a special police officer  
18 within 48 hours after the suspension or termination of:

19 **[(1)] (I)** the employment of the special police officer; or

20 **[(2)] (II)** the commission of the special police officer in accordance with §  
21 3–313 of this subtitle.

22 **(2) THE SPECIAL POLICE OFFICER'S EMPLOYER SHALL RETURN THE**  
23 **SPECIAL POLICE COMMISSION CARD TO THE SECRETARY WITHIN 10 DAYS AFTER**  
24 **THE SUSPENSION OR TERMINATION OF A SPECIAL POLICE OFFICER.**

25 3–312.

26 (a) An initial commission expires **[2] 3** years after its date of issuance.

27 (b) (1) At the end of the term of a commission, the commission is renewable for  
28 a 3-year term if the employer of the special police officer **SUBMITS TO THE SECRETARY:**

1                    [(i) submits to the Secretary a renewal application on the form that  
2 the Secretary requires;

3                    (ii) submits to the Secretary a complete set of the special police  
4 officer's legible fingerprints on standard fingerprint cards;

5                    (iii) pays to the Secretary a fee to cover the cost of the fingerprint  
6 record checks; and]

7                    **(I) AN APPLICATION IN THE MANNER AND FORMAT**  
8 **DESIGNATED BY THE SECRETARY;**

9                    **(II) ONE COMPLETE SET OF THE APPLICANT'S LEGIBLE**  
10 **FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE FEDERAL**  
11 **BUREAU OF INVESTIGATION;**

12                    **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**  
13 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**  
14 **RECORDS CHECK; AND**

15                    (iv) subject to paragraph (2) of this subsection, pays to the Secretary  
16 a renewal fee of \$60.

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

18                    **(C) (1) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY**  
19 **FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A**  
20 **SPECIAL POLICE COMMISSION.**

21                    **(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**  
22 **RECORDS CHECK, THE SECRETARY SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

23                    **(I) A COMPLETE SET OF THE APPLICANT'S LEGIBLE**  
24 **FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE FEDERAL**  
25 **BUREAU OF INVESTIGATION; AND**

26                    **(II) THE MANDATORY PROCESSING FEE REQUIRED BY THE**  
27 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**  
28 **RECORDS CHECK.**

29                    **(3) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE**  
30 **APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS**  
31 **SUBSECTION.**

1           **(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL**  
2 **PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE**  
3 **APPLICANT AND THE SECRETARY A PRINTED STATEMENT OF THE APPLICANT'S**  
4 **CRIMINAL HISTORY INFORMATION.**

5           **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**  
6 **UNDER THIS SECTION:**

7                   **(I) IS CONFIDENTIAL AND MAY NOT BE DISSEMINATED; AND**

8                   **(II) MAY BE USED ONLY FOR THE PURPOSES AUTHORIZED BY**  
9 **THIS SECTION.**

10           **[(c)] (D)** The Secretary may set the deadline for submitting a renewal  
11 application to the Secretary.

12 3-313.

13           (a) (1) Except as provided in subsection (c) of this section, a commission is  
14 suspended or terminates when the employer of the special police officer files written notice  
15 **WITH THE SECRETARY** that states that the special police officer is suspended from or  
16 relieved of the duties of a special police officer.

17           (2) The Governor may suspend or terminate a commission:

18                   (i) on recommendation of the Secretary; or

19                   (ii) on the Governor's own motion if the Governor finds it in the best  
20 interest of the State.

21           (3) The suspension or termination shall be noted in the official records of  
22 the Governor.

23           (4) The suspension or termination may not take effect until 5 days after  
24 notice is sent to both the special police officer and the special police officer's employer.

25           **(b) (1) THE GOVERNOR MAY DELEGATE THE POWER TO SUSPEND A**  
26 **COMMISSION TO THE SECRETARY.**

27                   **(I) THE SECRETARY MAY SUSPEND A COMMISSION IF IT**  
28 **APPEARS THAT THE ACTION IS IN THE BEST INTEREST OF THE PUBLIC.**

29                   **(II) A SUSPENSION ISSUED BY THE SECRETARY SHALL BE**  
30 **REVIEWED BY THE GOVERNOR WITHIN 30 DAYS TO DETERMINE IF THE SUSPENSION**  
31 **SHOULD CONTINUE OR IF THE COMMISSION SHOULD BE TERMINATED.**



1           **(2)** The Governor may delegate the power to suspend or terminate a  
2 commission to the Secretary of State, the Assistant Secretary of State, or both.

3           (c) A commission does not terminate if:

4           (1) an employer no longer needs the services of a special police officer  
5 because the employer has transferred the business property described in the commission  
6 to another person for legal business purposes; and

7           (2) the other person executes a form prepared by the Secretary of State that  
8 affirms that the other person will employ the special police officer to protect that business  
9 property and will assume the responsibilities of the original employer as described in this  
10 subtitle.

11 3-316.

12           The Secretary may, as the Secretary considers necessary to carry out the purpose of  
13 this subtitle, adopt rules and regulations for the conduct of special police officers.

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.