

HOUSE BILL 1110

E4

5lr0103

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Introduced and read first time: February 18, 2015

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

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
15 criminal history record under certain circumstances; requiring a special police officer
16 to wear a uniform that gives a certain notice; authorizing the Department of State
17 Police to approve certain vehicles and equipment for use by certain special police
18 officers; requiring the return of a certain certification card to the Secretary within a
19 certain time period under certain circumstances; altering the expiration date of the
20 initial commission of a special police officer; authorizing the Governor to delegate
21 the power to suspend a commission to the Secretary; authorizing the Secretary to
22 suspend a commission under certain circumstances; requiring a review of certain
23 suspensions by the Governor or his designee; defining certain terms; making stylistic
24 and conforming changes; and generally relating to special police officers.

25 BY repealing and reenacting, with amendments,
26 Article – Public Safety
27 Section 3–301, 3–303, 3–304, 3–305, 3–310, 3–312, and 3–313
28 Annotated Code of Maryland
29 (2011 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Public Safety
3 Section 3–302 and 3–316
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2014 Supplement)

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

8 **Article – Public Safety**

9 3–301.

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

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

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

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

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

18 3–302.

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

21 3–303.

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

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

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

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

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

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

4 (c) The Secretary may require training and education for special police officers as
5 the Secretary considers necessary.

6 3-304.

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

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

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

13 (i) ~~[submit to the Secretary an application on the form that the~~
14 ~~Secretary requires;]~~ **AN APPLICATION IN THE MANNER AND FORMAT DESIGNATED BY**
15 **THE SECRETARY; AND**

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

18 (iii) ~~pay to the Secretary a fee to cover the cost of the fingerprint~~
19 ~~record checks; and~~

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

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

25 ~~[(2)]~~ **(3)** The application fee is nonrefundable ~~[if the application is~~
26 ~~denied].~~

27 ~~[(3)]~~ **(4)** An application fee may not be charged to a unit of the State.

28 **(C) (1) THE SECRETARY SHALL APPLY TO THE CENTRAL REPOSITORY**
29 **FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH**
30 **APPLICANT FOR A SPECIAL POLICE COMMISSION.**

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

3 **(I) A COMPLETE SET OF THE APPLICANT'S LEGIBLE**
4 **FINGERPRINTS TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL**
5 **REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

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

9 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
10 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
11 **RECORDS CHECK.**

12 **(3) THE CENTRAL REPOSITORY SHALL PROVIDE A RECEIPT TO THE**
13 **APPLICANT FOR THE FEES PAID IN ACCORDANCE WITH PARAGRAPH (2)(II) AND (III)**
14 **OF THIS SUBSECTION.**

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

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

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

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

24 **(6) IF CRIMINAL HISTORY RECORD INFORMATION IS REPORTED TO**
25 **THE CENTRAL REPOSITORY AFTER THE DATE OF THE INITIAL CRIMINAL HISTORY**
26 **RECORDS CHECK, THE CENTRAL REPOSITORY SHALL PROVIDE TO THE**
27 **DEPARTMENT OF STATE POLICE LICENSING DIVISION A REVISED PRINTED**
28 **STATEMENT OF THE APPLICANT'S OR SPECIAL POLICE OFFICER'S STATE CRIMINAL**
29 **HISTORY RECORD.**

30 3-305.

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

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

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

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

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

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

13 (i) the results of the investigation;

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

15 (iii) the reasons for the recommendation; and

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

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

21 3-310.

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

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

27 (ii) a distinctive police badge that properly identifies the officer as a
28 special police officer.

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

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

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

2 (1) identification that properly identifies the special police officer as a
3 special police officer; and

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

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

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

9 [(2)] (II) the commission of the special police officer in accordance with §
10 3-313 of this subtitle.

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

14 3-312.

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

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

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

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

22 [(iii) pays to the Secretary a fee to cover the cost of the fingerprint
23 record checks; and]

24 (I) **AN APPLICATION IN THE MANNER AND FORMAT**
25 **DESIGNATED BY THE SECRETARY;**

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

1 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
2 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
3 **RECORDS CHECK; AND**

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

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

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

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

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

15 **(II) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
16 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
17 **RECORDS CHECK.**

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

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

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

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

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

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

1 3-313.

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

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

7 (i) on recommendation of the Secretary; or

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

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

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

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

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

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

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

23 (c) A commission does not terminate if:

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

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

31 3-316.

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

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