

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

Senate Bill 853

(Senator Kagan, *et al.*)

Judicial Proceedings

Judiciary

Maryland Police Training and Standards Commission - Police Officer  
 Certification - Eligibility (Freedom to Serve Act)

This bill modifies the eligibility requirements for a person to be certified as a law enforcement officer by the Maryland Police Training and Standards Commission (MPTSC) to require that an individual be (1) a U.S. citizen or (2) a permanent legal resident of the United States and an honorably discharged veteran of the U.S. Armed Forces, provided that the individual has applied to obtain U.S. citizenship and the application is still pending approval. MPTSC must terminate the commission of a police officer who fails to obtain U.S. citizenship as required.

Fiscal Summary

**State Effect:** General fund expenditures for MPTSC increase by at least \$30,000 in FY 2020 only for computer programming costs. In addition, the bill's changes may result in an operational impact on the Department of State Police (DSP). Revenues are not affected.

| (in dollars)   | FY 2020    | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|----------------|------------|---------|---------|---------|---------|
| Revenues       | \$0        | \$0     | \$0     | \$0     | \$0     |
| GF Expenditure | 30,000     | 0       | 0       | 0       | 0       |
| Net Effect     | (\$30,000) | \$0     | \$0     | \$0     | \$0     |

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local jurisdictions can handle the bill's requirements with existing resources. Local revenues are not affected.

**Small Business Effect:** None.

## Analysis

**Current Law:** Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. Under current MPTSC regulations, an applicant for the position of police officer must be a U.S. citizen and submit documents supporting a claim of citizenship to the hiring law enforcement agency. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

**Background:** Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

**State Expenditures:** General fund expenditures for MPTSC increase by at least \$30,000 in fiscal 2020 only. This estimate reflects the cost for programming updates to MPTSC's existing Record Management System in order for MPTSC to track applications for and approval of U.S. citizenship for police officers who have been certified under the bill's eligibility requirements.

MPTSC advises that overtime costs for its Certification Unit may also increase in order to implement the bill. However, the Department of Legislative Services believes that such needs are uncertain going forward as it is unclear how many permanent legal residents will apply for certification. Accordingly, this analysis does not reflect any overtime costs. Should overtime costs emerge in the future, MPTSC can request additional resources through the annual budget process.

**Additional Comments:** DSP advises that permanent residents, whether active or former military, who are hired as police officers are not entitled to the same working assignments as U.S. citizens who are police officers. Permanent resident police officers may patrol and investigate crimes but may not serve on any joint federal task force. Operationally, a law enforcement agency that participates in a joint federal task force, including DSP, will be required to keep permanent resident police officers on a separate list so that they are not inadvertently transferred or assigned a position that is prohibited by federal law.

In addition, DSP advises that access to data provided by the Federal Bureau of Investigation is limited for permanent residents. Permanent residents are also not eligible to receive a top secret clearance and cannot work in the Maryland Coordination and Analysis Center.

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### **Additional Information**

**Prior Introductions:** HB 1526 of 2018, a similar bill, passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 344, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Cross File:** HB 433 (Delegate Fraser-Hidalgo, *et al.*) - Judiciary.

**Information Source(s):** Washington and Worcester counties; City of Westminster; Town of Leonardtown; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2019  
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