

HOUSE BILL 1144

E4

0lr2724

By: **Delegate M. Jackson**

Introduced and read first time: February 6, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Maryland Police Training and Standards Commission –**
3 **Procedures and Training**

4 FOR the purpose of authorizing members of the Maryland Police Training and Standards
5 Commission to make a certain designation in writing; repealing the requirement for
6 the Commission to elect a chair; requiring the Secretary of State Police to serve as
7 the chair of the Commission; requiring the Commission to conduct a certain analysis
8 for certain police officers at a certain interval; altering the powers and duties of the
9 Commission in regards to the training of police officers in the State; requiring that
10 certain information be posted to a certain website by a certain date; requiring each
11 police officer to be certified by the Commission; requiring police officers to submit to
12 a medical examination before being certified by the Commission; repealing the
13 requirement for a certain applicant to submit a certain processing fee; requiring a
14 certain certification to lapse on a certain date if the officer fails to meet certain
15 requirements; requiring a hearing requested by a police officer to dispute the lapse
16 of a certification to occur within a certain time frame; repealing a requirement for
17 the Commission to follow certain procedures and for a certain police officer to be
18 entitled to certain rights relating to a lapsed certification; repealing the requirement
19 for the Commission to order a certain person to pay certain costs and fees;
20 authorizing the Commission to suspend or revoke the certification of a police officer
21 convicted of certain crimes; establishing a time frame before which the Commission
22 is authorized to recertify police officers whose certifications have lapsed or been
23 revoked; requiring individuals appointed to certain positions to meet certain
24 requirements; defining certain terms; making conforming and stylistic changes; and
25 generally relating to the Maryland Police Training and Standards Commission.

26 BY repealing and reenacting, without amendments,
27 Article – Public Safety
28 Section 3–201(a), 3–202, and 3–203(a)(4)
29 Annotated Code of Maryland
30 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Public Safety
3 Section 3–201(g), 3–203(c), 3–207(a), (b), and (c), 3–209, 3–209.1(c), 3–211, 3–212(a),
4 3–213, 3–214(b), 3–215, and 3–216(b)
5 Annotated Code of Maryland
6 (2018 Replacement Volume and 2019 Supplement)

7 BY repealing
8 Article – Public Safety
9 Section 3–204 and 3–210
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2019 Supplement)

12 BY adding to
13 Article – Public Safety
14 Section 3–204
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 3–201.

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

22 (g) **["SWAT team"] "SPECIAL TACTICAL RESPONSE TEAM"** means an
23 agency–designated unit of law enforcement officers who are selected, trained, and equipped
24 to work as a coordinated team to resolve critical incidents that are so hazardous, complex,
25 or unusual that they may exceed the capabilities of first responders or investigative units.

26 3–202.

27 There is a Maryland Police Training and Standards Commission, which is an
28 independent commission that functions in the Department.

29 3–203.

30 (a) The Commission consists of the following members:

31 (4) the Secretary of State Police;

32 (c) Except for [the appointed members] **MEMBERS APPOINTED UNDER**
33 **SUBSECTION (A)(15) OF THIS SECTION**, a member of the Commission may serve

1 personally at a Commission meeting or may designate, **IN WRITING**, a representative from
2 the member's unit, agency, or association who may act at any meeting to the same effect as
3 if the member were personally present.

4 [3-204.

5 The Commission annually shall elect a chair and vice chair from among its
6 members.]

7 **3-204.**

8 **(A) THE SECRETARY OF STATE POLICE SHALL SERVE AS THE CHAIR OF THE**
9 **COMMISSION.**

10 **(B) THE COMMISSION ANNUALLY SHALL ELECT A VICE CHAIR FROM AMONG**
11 **ITS MEMBERS.**

12 3-207.

13 (a) The Commission has the following powers and duties:

14 (1) to establish standards for the approval and continuation of approval of
15 schools that conduct police entrance-level and in-service training courses required by the
16 Commission, including State, regional, county, and municipal training schools;

17 **(2) BEGINNING IN 2020 AND EVERY 10 YEARS THEREAFTER, TO**
18 **CONDUCT A JOB TASK ANALYSIS FOR ENTRANCE-LEVEL POLICE OFFICERS;**

19 **[(2)] (3)** to approve and issue certificates of approval to police training
20 schools;

21 **[(3)] (4)** to inspect police training schools;

22 **[(4)] (5)** to revoke, for cause, the approval or certificate of approval issued
23 to a police training school;

24 **[(5)] (6)** to establish the following for police training schools:

25 (i) curriculum;

26 (ii) minimum courses of study;

27 (iii) attendance requirements;

28 (iv) eligibility requirements;

- 1 (v) equipment and facilities;
- 2 (vi) standards of operation; and
- 3 (vii) minimum qualifications for instructors;

4 [(6) to require, for entrance-level police training and at least every 3 years
5 for in-service level police training conducted by the State and each county and municipal
6 police training school, that the curriculum and minimum courses of study include special
7 training, attention to, and study of the application and enforcement of:

8 (i) the criminal laws concerning rape and sexual offenses, including
9 the sexual abuse and exploitation of children and related evidentiary procedures;

10 (ii) the criminal laws concerning human trafficking, including
11 services and support available to victims and the rights and appropriate treatment of
12 victims;

13 (iii) the contact with and treatment of victims of crimes and
14 delinquent acts;

15 (iv) the notices, services, support, and rights available to victims and
16 victims' representatives under State law; and

17 (v) the notification of victims of identity fraud and related crimes of
18 their rights under federal law;]

19 (7) to certify [and issue appropriate certificates to] qualified instructors for
20 police training schools authorized by the Commission to offer police training programs;

21 (8) to verify that police officers have satisfactorily completed
22 **ENTRANCE-LEVEL** training programs [and issue diplomas to those police officers];

23 (9) to conduct and operate police training schools authorized by the
24 Commission to offer police training programs;

25 (10) to make a continuous study of entrance-level and in-service training
26 methods [and procedures];

27 [(11) to consult with and accept the cooperation of any recognized federal,
28 State, or municipal law enforcement agency or educational institution;

29 (12) to consult and cooperate with universities, colleges, and institutions in
30 the State to develop specialized courses of study for police officers in police science and
31 police administration;

1 (13) to consult and cooperate with other agencies and units of the State
2 concerned with police training;

3 (14) to develop, with the cooperation of the Office of the Chief Medical
4 Examiner and the Federal Bureau of Investigation, a uniform missing person report form
5 to be available for use by each law enforcement agency of the State on or before October 1,
6 2008;]

7 **(11) (I) BY AUGUST 1 EACH YEAR, TO ESTABLISH ENTRANCE-LEVEL
8 AND IN-SERVICE TOPICS REQUIRING SPECIAL TRAINING AND STUDY; AND**

9 **(II) TO ENSURE THAT EACH OF THE FOLLOWING TOPICS ARE
10 OFFERED AT LEAST ONCE EVERY 3 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING
11 CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING
12 SCHOOL:**

13 **1. CRIMINAL LAWS CONCERNING RAPE AND SEXUAL
14 OFFENSES, INCLUDING THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN AND
15 RELATED EVIDENTIARY PROCEDURES;**

16 **2. CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING,
17 INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS AND
18 APPROPRIATE TREATMENT OF VICTIMS;**

19 **3. CONTACT WITH AND TREATMENT OF VICTIMS OF
20 CRIMES AND DELINQUENT ACTS;**

21 **4. NOTICES, SERVICES, SUPPORT, AND RIGHTS
22 AVAILABLE TO VICTIMS AND VICTIMS' REPRESENTATIVES UNDER STATE LAW;**

23 **5. NOTIFICATION OF VICTIMS OF IDENTITY FRAUD AND
24 RELATED CRIMES OF THEIR RIGHTS UNDER FEDERAL LAW;**

25 **6. TRAINING IN USE OF FORCE AND DE-ESCALATION;**

26 **7. TRAINING IN THE RECOGNITION AND PREVENTION OF
27 DISCRIMINATION BASED ON:**

28 **A. RACE;**

29 **B. COLOR;**

30 **C. RELIGION OR CREED;**

1 **D. NATIONAL ORIGIN OR ANCESTRY;**

2 **E. SEX;**

3 **F. SEXUAL ORIENTATION;**

4 **G. GENDER IDENTITY;**

5 **H. AGE;**

6 **I. PHYSICAL OR MENTAL DISABILITY;**

7 **J. MARITAL STATUS;**

8 **K. VETERAN STATUS;**

9 **L. GENETIC INFORMATION;**

10 **M. CITIZENSHIP; OR**

11 **N. CULTURE; AND**

12 **8. ALL ASPECTS OF PROFILING, INCLUDING:**

13 **A. AS AN ILLEGAL PRACTICE IN WHICH AN INDIVIDUAL IS**
14 **TARGETED AS A SUSPECT OF A CRIME BECAUSE OF THE INDIVIDUAL'S RACE,**
15 **ETHNICITY, RELIGION, OR OTHER UNIQUE IDENTIFIER; AND**

16 **B. AS A COMPONENT OF AN INVESTIGATION OF A CRIME**
17 **IN WHICH THE SUSPECT IS REPORTED TO BE OF A SPECIFIC RACE, ETHNICITY,**
18 **RELIGION, OR OTHER UNIQUE IDENTIFIER;**

19 **(12) TO NOTIFY AGENCIES, ON OR BEFORE AUGUST 15 EACH YEAR, OF**
20 **ALL MANDATED TRAINING TOPICS AS OUTLINED IN ITEM (11)(II) OF THIS**
21 **SUBSECTION;**

22 **(13) TO POST A LIST OF MANDATORY TRAINING TOPICS ON A WEBSITE**
23 **MAINTAINED BY THE COMMISSION;**

24 **(14) TO VERIFY THAT CERTIFIED OFFICERS MAINTAIN CURRENT**
25 **CERTIFICATION IN LIFESAVING TECHNIQUES, INCLUDING CARDIOPULMONARY**
26 **RESUSCITATION;**

1 (15) to require, for entrance-level police training and annually for
2 in-service level police training conducted by the State and each county and municipal police
3 training school, that the curriculum and minimum courses of study include, for police
4 officers who are issued an electronic control device by a law enforcement agency, special
5 training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal
6 Law Article, consistent with established law enforcement standards and federal and State
7 constitutional provisions;

8 [(16) to require, for entrance-level police training and, as determined by the
9 Commission, for in-service level training conducted by the State and each county and
10 municipal police training school, that the curriculum and minimum courses of study
11 include, consistent with established law enforcement standards and federal and State
12 constitutional provisions:

13 (i) training in lifesaving techniques, including Cardiopulmonary
14 Resuscitation (CPR);

15 (ii) training in the proper level and use of force;

16 (iii) training regarding sensitivity to cultural and gender diversity;
17 and

18 (iv) training regarding individuals with physical, intellectual,
19 developmental, and psychiatric disabilities;

20 (17) to require, for entrance-level police training and at least every 2 years
21 for in-service level police training conducted by the State and each county and municipal
22 police training school, that the curriculum and minimum courses of study include special
23 training, attention to, and study of the application of antidiscrimination and use of force
24 de-escalation training;

25 (18) to develop, with the cooperation of the Office of the Attorney General,
26 the Governor's Office of Crime Control and Prevention, and the Federal Trade Commission,
27 a uniform identity fraud reporting form that:

28 (i) makes transmitted data available on or before October 1, 2011,
29 for use by each law enforcement agency of State and local government; and

30 (ii) may authorize the data to be transmitted to the Consumer
31 Sentinel program in the Federal Trade Commission;

32 (19) to adopt and recommend a set of best practices and standards for use of
33 force;]

34 **(16) TO CONSULT WITH RECOGNIZED FEDERAL, STATE, COUNTY, AND**
35 **MUNICIPAL LAW ENFORCEMENT AGENCIES, EDUCATIONAL INSTITUTIONS, STATE**

1 UNIVERSITIES, COLLEGES, AND INSTITUTIONS THAT SPECIALIZE IN COURSES OF
2 STUDY FOR POLICE OFFICERS, OR OTHER AGENCIES AND UNITS OF THE STATE
3 CONCERNED WITH POLICE TRAINING;

4 [(20)] (17) to evaluate and modernize recruitment standards and practices
5 of law enforcement agencies to increase diversity within those law enforcement agencies
6 and develop strategies for recruiting women and African American, Hispanic or Latino, and
7 other minority candidates;

8 [(21)] (18) to develop standards for the mandatory psychological
9 consultation with a law enforcement officer who was actively involved in an incident when
10 another person was seriously injured or killed as a result of an accident or a shooting or
11 has returned from combat deployment;

12 [(22)] (19) to require[:

13 (i) ON OR BEFORE DECEMBER 31, 2020, a statement condemning
14 motorcycle profiling to be included in existing written policies regarding other profiling;
15 [and

16 (ii) for entrance-level police training and for in-service level
17 training conducted by the State and each county and municipal police training school, that
18 the curriculum and minimum courses of study include, consistent with established law
19 enforcement standards and federal and State constitutional provisions, training related to
20 motorcycle profiling in conjunction with existing training regarding other profiling;]

21 [(23)] (20) to perform any other act, including adopting regulations, that is
22 necessary or appropriate to carry out the powers and duties of the Commission under this
23 subtitle; and

24 [(24)] (21) to consult and cooperate with commanders of [SWAT] SPECIAL
25 TACTICAL RESPONSE teams to develop standards for training and deployment of [SWAT]
26 SPECIAL TACTICAL RESPONSE teams [and of law enforcement officers who are not
27 members of a SWAT team] who conduct no-knock warrant service in the State based on
28 best practices in the State and nationwide.

29 (b) (1) The Commission shall develop a system by which law enforcement
30 agencies report to the Commission on the number of serious officer-involved incidents each
31 year, the number of officers disciplined each year, and the type of discipline administered
32 to those officers.

33 (2) The Commission shall annually summarize the information submitted
34 by law enforcement agencies and:

35 (i) ON OR BEFORE MARCH 31 EACH YEAR, post the summary,
36 excluding the names of officers and other involved parties, on a website maintained by the

1 Commission; and

2 (ii) submit the summary to the General Assembly, as provided in §
3 2–1257 of the State Government Article.

4 (c) In consultation with the Maryland Department of Health, the Commission
5 shall establish a confidential hotline, **WITH THE NUMBER POSTED ON A WEBSITE**
6 **MAINTAINED BY THE COMMISSION**, that is available for police officers and other law
7 enforcement personnel to contact and speak with a trained peer law enforcement officer or
8 a mental health professional who may provide initial counseling advice and confidential
9 referral to appropriate services.

10 3–209.

11 **(A) EACH POLICE OFFICER SHALL BE CERTIFIED BY THE COMMISSION.**

12 **[(a)] (B)** The Commission shall certify as a police officer each individual who:

13 (1) (i) satisfactorily meets the standards of the Commission; or

14 (ii) provides the Commission with sufficient evidence that the
15 individual has satisfactorily completed a training program in another state of equal quality
16 and content as required by the Commission;

17 **(2) SUBMITS TO A MEDICAL EVALUATION;**

18 **[(2)] (3)** submits to a psychological evaluation;

19 **[(3)] (4)** submits to a criminal history records check in accordance with §
20 3–209.1 of this subtitle; and

21 **[(4)] (5)** (i) is a United States citizen; or

22 (ii) subject to subsection (b) of this section, is a permanent legal
23 resident of the United States and an honorably discharged veteran of the United States
24 armed forces, provided that the individual has applied to obtain United States citizenship
25 and the application is still pending approval.

26 (b) The certification of a police officer who fails to obtain United States citizenship
27 as required by subsection (a)(4)(ii) of this section shall be terminated by the Commission.

28 (c) The Commission may certify as a police officer an individual who is not
29 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the
30 selection and training standards of the Commission.

31 (d) Each **[certificate] CERTIFICATION CARD** issued to a police officer under this

1 subtitle remains the property of the Commission.

2 3–209.1.

3 (c) As part of the application for a criminal history records check, an applicant
4 shall submit to the Central Repository:

5 (1) a complete set of legible fingerprints [taken on forms] **IN A MANNER**
6 approved by the Director of the Central Repository and the Director of the Federal Bureau
7 of Investigation; **AND**

8 (2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure
9 Article for access to Maryland criminal history records[; and

10 (3) the processing fee required by the Federal Bureau of Investigation for
11 a national criminal history records check].

12 [3–210.

13 (a) The certification of a police officer automatically lapses 3 years after the date
14 of the previous certification.

15 (b) If the certification of a police officer lapses, the police officer may apply for
16 recertification immediately.

17 (c) The Commission may recertify a police officer after the certification of the
18 police officer lapses.]

19 3–211.

20 **(A) IF A POLICE OFFICER FAILS TO MEET THE REQUIREMENTS OF § 3–209**
21 **OF THIS SUBTITLE BY JUNE 30 EACH YEAR, THE OFFICER’S CERTIFICATION SHALL**
22 **LAPSE ON JUNE 30 OF THAT YEAR.**

23 [(a)] **(B)** If the certification of a police officer is in danger of lapsing or has lapsed
24 because of the failure of the police officer to meet the standards of the Commission, the
25 police officer may request a hearing before the Commission to present evidence that:

26 (1) the police officer’s law enforcement agency unreasonably failed to
27 provide the police officer with the required training or assigned the police officer to special
28 duty that prevented the police officer from completing the required training to achieve this
29 certification; and

30 (2) this failure is through no fault of the police officer.

31 [(b)] **(C)** [(1)] On request of the police officer for a hearing under this section,

1 the Commission shall hold a hearing **WITHIN 90 DAYS OF THE REQUEST.**

2 **[(2)]** For purposes of this subsection, the Commission shall follow the
3 procedures required for a hearing board under the Law Enforcement Officers' Bill of Rights
4 and the police officer is entitled to all of the rights provided under the Law Enforcement
5 Officers' Bill of Rights.]

6 **[(c)] (D)** If the Commission concludes that the police officer's law enforcement
7 agency unreasonably failed to provide the police officer with the required training or
8 assigned the police officer to special duty that prevented the police officer from completing
9 the required training to achieve certification:

10 (1) the Commission shall stay the lapse of the certification until the police
11 officer and the police officer's law enforcement agency meet the training requirements of
12 the Commission; **AND**

13 (2) the police officer shall be retained in the police officer's law enforcement
14 agency at full pay pending the completion of the training[]; and

15 (3) the Commission shall order the police officer's law enforcement agency
16 to pay all reasonable hearing costs and attorney's fees incurred as a result of the action].

17 3-212.

18 (a) Subject to the hearing provisions of subsection (b) of this section, the
19 Commission may suspend or revoke the certification of a police officer if the police officer:

20 (1) violates or fails to meet the Commission's standards; [or]

21 (2) knowingly fails to report suspected child abuse in violation of § 5-704
22 of the Family Law Article;

23 **(3) HAS BEEN CONVICTED OF A FELONY; OR**

24 **(4) HAS BEEN CONVICTED OF A MISDEMEANOR FOR WHICH A**
25 **SENTENCE OF IMPRISONMENT EXCEEDING 1 YEAR MAY BE IMPOSED.**

26 3-213.

27 The Commission may recall the [certificate] **CERTIFICATION CARD** of a police
28 officer if the certification of the police officer is suspended or revoked for any of the following
29 reasons:

30 (1) the [certificate] **CERTIFICATION CARD** was issued by administrative
31 error;

1 (2) the [certificate] **CERTIFICATION CARD** was obtained through
2 misrepresentation or fraud; **OR**

3 (3) [the police officer has been convicted of a felony; or

4 (4) the police officer has been convicted of a misdemeanor for which a
5 sentence of imprisonment exceeding 1 year may be imposed] **FOLLOWING A REVOCATION**
6 **HEARING UNDER § 3-212 OF THIS SUBTITLE.**

7 3-214.

8 (b) The Commission may recertify an [individual] **APPLICANT FOR**
9 **RECERTIFICATION** as a police officer [after the certification of the police officer is revoked]
10 **NOT SOONER THAN 2 YEARS AFTER THE EFFECTIVE DATE OF THE REVOCATION**
11 **ORDER.**

12 3-215.

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) [“Permanent appointment” means the appointment of an individual
15 who has satisfactorily met the minimum standards of the Commission and is certified as a
16 police officer.

17 (3) “Police administrator”] **“FIRST-LINE ADMINISTRATOR”** means a
18 police officer who has been promoted to first-line administrative duties [up to but not
19 exceeding the rank of captain] **AS DEFINED BY THE AGENCY, AND WHO HAS DIRECT**
20 **SUPERVISION OVER FIRST-LINE SUPERVISORS.**

21 **(3) “FIRST-LINE SUPERVISOR” MEANS A POLICE OFFICER WHO HAS**
22 **BEEN PROMOTED TO FIRST-LINE SUPERVISORY DUTIES AS DEFINED BY THE**
23 **AGENCY, AND WHO HAS DIRECT SUPERVISION OVER LINE STAFF.**

24 [(4) “Police supervisor” means a police officer who has been promoted to
25 first-line supervisory duties.]

26 **(B) AN INDIVIDUAL APPOINTED TO THE POSITION OF FIRST-LINE**
27 **SUPERVISOR OR FIRST-LINE ADMINISTRATOR MUST MEET THE TRAINING**
28 **REQUIREMENTS ESTABLISHED BY THE COMMISSION.**

29 [(b)] **(C)** An individual may not be given or accept a probationary appointment
30 or permanent appointment as a police officer, police supervisor, or police administrator
31 unless the individual satisfactorily meets the qualifications established by the Commission.

32 [(c)] **(D)** A probationary appointment as a police officer, police supervisor, or

1 police administrator may be made for a period not exceeding 1 year to enable the individual
2 seeking permanent appointment to take a training course required by this subtitle.

3 [(d)] (E) A probationary appointee is entitled to a leave of absence with pay
4 during the period of the training program.

5 3–216.

6 (b) (1) In this subsection, [“nonfull–time”] “NON–FULL–TIME police officer”
7 means an individual who does not work in the law enforcement field at least 7 months
8 during the calendar year.

9 (2) The certification requirements of subsection (a) of this section do not
10 apply to the [nonfull–time] NON–FULL–TIME police officers of a law enforcement agency
11 that:

12 (i) employs, during a calendar year, at least 70 full–time sworn
13 police officers; and

14 (ii) employs at least 100 [nonfull–time] NON–FULL–TIME police
15 officers.

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