

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 541
Judiciary

(Delegate Lopez, *et al.*)

Judicial Proceedings

**Maryland Police Training and Standards Commission - Training Requirements -
Hate Crimes**

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to require, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training; attention to, and study of the application and enforcement of the criminal laws concerning hate crimes; including the recognition of, response to, and reporting of incidents of crime in the State required to be reported by each local law enforcement agency and the State Fire Marshal to the Department of State Police (DSP), as specified.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: Potential minimal increase in local expenditures for law enforcement agencies that do not currently conduct the required training. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Maryland Police Training and Standards Commission

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 consultation. 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probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

MPTSC requirements include, among other things, that the curriculum and minimum courses of study include special training, attention to, and study of the application of:

- the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;
- the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;
- the contact with and treatment of victims of crimes and delinquent acts;
- the notices, services, support, and rights available to victims and victims' representatives under State law; and
- the notification of victims of identity fraud and related crimes of their rights under federal law.

These requirements apply to in-service level police training every three years and entrance-level training conducted by the State and each county and municipal police training school.

Incidence of Crime Reports

DSP must collect, analyze, and disseminate information about the incidence of crime in Maryland. DSP must also collect and analyze information about incidents apparently directed against an individual or group because of race, religion, ethnicity, or sexual

orientation. Each local law enforcement agency and the State Fire Marshal must provide DSP with information relating to such hate crimes. DSP must adopt procedures for the collection and analysis of the information and must make quarterly reports to the Maryland Commission on Civil Rights about the information.

Hate Crimes

The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (harassment or destruction of property), and 10-305 (damage to an associated building).

Section 10-302 (Damaging Property of a Religious Entity): A person may not deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy, personal or real property that is owned, leased, or used by a religious entity or for any religious purpose.

Section 10-303 (Obstructing Exercise of Religious Beliefs): A person may not, by force or threat of force, obstruct or attempt to obstruct another in the free exercise of that person's religious beliefs.

Section 10-304 (Harassment or Destruction of Property): A person may not engage in the following acts because another person or group is homeless or because of another person's or group's race, color, religious beliefs, sexual orientation, gender, disability, or national origin:

- commit a crime or attempt or threaten to commit a crime against another person or group;
- deface, damage, or destroy, or attempt or threaten to deface, damage, or destroy the real or personal property of another person or group;
- burn or attempt or threaten to burn an object on the real or personal property of another person or group; or
- commit any of these acts when the act involves a separate crime that is a felony or that results in the death of a victim.

Section 10-305 (Damage to an Associated Building): A person may not deface, damage, or destroy; attempt or threaten to deface, damage, or destroy; burn or attempt or threaten to burn an object on; or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used (1) because a person or group of a particular race, color, religious belief, sexual orientation, gender, or national origin, or because a person or group that is homeless, has contacts or is associated with the building or (2) if there is evidence that exhibits animosity against a person or group due to the race, color,

religious beliefs, sexual orientation, gender, disability, or national origin of that group or because that person or group is homeless.

In general, an individual who violates these provisions is guilty of a misdemeanor, punishable by imprisonment for up to 3 years and/or a maximum fine of \$5,000. However, if a violation of § 10-304 involves a separate felony, the violator is guilty of a felony and is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000. If a violation of § 10-304 results in the death of the victim, the violator is subject to imprisonment for up to 20 years and/or a fine of up to \$20,000.

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.

Additional Information

Prior Introductions: HB 699 of 2019 received a hearing in the House Judiciary Committee, but no further action was taken.

Designated **Cross File:** SB 633 (Senator Waldstreicher, *et al.*) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford, Talbot, and Wicomico counties; Maryland Association of Counties; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2020
rh/lgc Third Reader - March 1, 2020

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