

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1111
Judiciary

(Delegate J. Lewis)

Judicial Proceedings

Public Safety - Special Police Officers - Training and Renewal of Commission

This bill repeals the authorization for the Secretary of State Police to require training and education for special police officers (SPOs) as the Secretary considers necessary. Instead, the bill requires, with specified exceptions, an SPO applicant for an initial commission to complete a training course approved by the Secretary in consultation with the Maryland Police Training and Standards Commission (MPTSC) consisting of at least 80 hours of instruction, as specified. Before submitting an application for renewal, an SPO must complete 12 hours of in-service training approved by the Secretary in consultation with MPTSC.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances.

Local Effect: Although the bill may result in an increase in costs for local government agencies that employ SPOs, the bill is not expected to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: The requirement to complete 80 hours of instruction does not apply to an applicant for an initial commission who, within five years prior to application, has (1) completed a basic training course for police officers approved by the Secretary in consultation with MPTSC; (2) completed a similar basic training course for police officers in another state or for the federal government; (3) separated from a law enforcement agency

in good standing; or (4) completed training approved by MPTSC for an SPO at a State institution of higher education.

Current Law: The Governor may appoint and deputize an individual as an SPO. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. The following entities may apply for the appointment of SPOs for the following purposes:

- a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;
- another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;
- a college, university, or public school system in the State, in order to protect its property or students; or
- a person that exists and functions for a legal business purpose, in order to protect its business property.

An applicant for a commission must be at least age 18. The employer of an applicant must (1) submit an application to the Secretary of State Police; (2) submit a complete set of the applicant's legible fingerprints; and (3) pay a fee to cover the cost of the fingerprint record checks. There is also a nonrefundable application fee of \$100.

The Secretary of State Police must investigate the character, reputation, and qualifications of each applicant for a commission. Upon completion of the investigation, the Secretary must transmit to the Governor (1) the results of the investigation; (2) a recommendation on denying or granting the application; (3) the reasons for the recommendation; and (4) the final disposition of any appeal. The Governor may accept the recommendation of the Secretary but need not issue a commission if the Governor believes it not to be in the best interest of the State to do so.

An SPO appointed by the Governor may:

- arrest individuals who trespass or commit offenses on the property described in the application for the commission;
- exercise the powers of a police officer on that property;
- exercise the powers of a police officer in a county or municipality in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and

- direct and control traffic on public highways and roads in the immediate vicinity of the property in order to facilitate the orderly movement of traffic to and from the property, if approved in advance.

While any SPO in the State is eligible for training by MPTSC and any local training academy, it is not required for the issuance of the commission. A violator of specified provisions relating to State SPO commissions is guilty of a misdemeanor and subject to imprisonment for six months and/or a fine of \$1,000.

A commission is suspended or terminates when the employer of the SPO files written notice that states that the SPO is suspended from or relieved of the duties of an SPO. The Governor may suspend or terminate a commission on recommendation of the Secretary or on the Governor's own motion if the Governor finds it in the best interest of the State. The suspension or termination must be noted in the official records of the Governor. The suspension or termination may not take effect until five days after notice is sent to both the SPO and the SPO's employer.

The Governor may delegate the power to suspend or terminate a commission to the Secretary of State. A commission does not terminate if (1) an employer no longer needs the services of the SPO because the employer has transferred the business property described in the commission to another person for legal business purposes and (2) the other person executes a form prepared by the Secretary of State that affirms that the other person will employ the SPO to protect that business property and will assume the responsibilities of the original employer.

An initial commission expires three years after its date of issuance. At the end of a term of a commission, the commission is renewable for a three-year term if, among other things, the employer submits a renewal application, submits a complete set of fingerprints, and pays a fee to cover the cost of the fingerprint record checks. The renewal fee is \$60.

Each individual subject to a criminal history records check (CHRC) is required to pay \$51.25 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$13.25 FBI fee, an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford, Montgomery, Talbot, and Wicomico counties; Maryland Association of Counties; Maryland Municipal League; University System of Maryland; St. Mary's College of Maryland; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2020
rh/lgc Third Reader - March 16, 2020
 Revised - Amendment(s) - March 16, 2020

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510