

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

House Bill 1144  
Judiciary

(Delegate M. Jackson)

Judicial Proceedings

---

Public Safety - Maryland Police Training and Standards Commission -  
Procedures and Training

---

This bill updates and modifies requirements and terminology for the Maryland Police Training and Standards Commission (MPTSC) relating to membership and procedures and training for police officers. Among other things, the bill requires MPTSC to conduct a job task analysis for entrance-level police officers every 10 years, as specified.

---

Fiscal Summary

**State Effect:** The bill is expected to be handled with existing budgeted resources. MPTSC advises that it already plans to conduct the job task analysis in FY 2020 using funds from the Maryland Police Training and Standards Commission Fund within the Department of Public Safety and Correctional Services (DPSCS). State government finances are otherwise not anticipated to be materially affected.

**Local Effect:** Local government finances are not anticipated to be materially affected.

**Small Business Effect:** None.

---

Analysis

**Bill Summary:** The bill:

- repeals the requirement for MPTSC to annually elect a chair from among its members and instead requires the Secretary of State Police to serve as chair;
- authorizes a member of MPTSC to designate in writing a specified person who is authorized to act at any meeting to the same effect as if the member were personally present;

- requires MPTSC to conduct a job task analysis for entrance-level police officers every 10 years, beginning in 2020;
- requires MPTSC to post on a website maintained by the commission information related to a specified confidential hotline for police officers and other law enforcement personnel;
- requires each police officer to be certified by MPTSC;
- expands the requirements necessary for MPTSC to certify an individual as a police officer to include submission to a medical evaluation;
- requires a police officer's certification to lapse if the officer fails to meet specified MPTSC requirements by June 30 each year and repeals (1) the requirement that the certification of a police officer automatically lapse 3 years after the date of the previous certification; (2) the authorization for a police officer to apply for recertification after a lapse in certification; and (3) the authorization for MPTSC to recertify the officer;
- requires MPTSC to hold a hearing (relating to lapses in certification) within 90 days of a request by an officer and repeals the requirement for MPTSC to (1) follow specified procedures under the Law Enforcement Officers' Bill of Rights (LEOBR) and (2) order the police officer's law enforcement agency to pay hearing costs and related fees as a result of the action under specified circumstances;
- subject to specified hearing provisions, authorizes MPTSC to suspend or revoke a certification (instead of recalling a certificate) if the police officer has been convicted of a felony or a misdemeanor for which a sentence of imprisonment exceeding 1 year may be imposed;
- authorizes MPTSC to recertify an applicant for recertification as a police officer not sooner than 2 years after the effective date of a revocation order;
- clarifies and alters terminology and definitions relating to police administrators and police supervisors;
- requires MPTSC to post a specified summary relating to officer-involved incidents and officer discipline to a website maintained by MPTSC by March 31 each year;
- requires MPTSC to *maintain*, in addition to the existing requirement to develop, specified programs, systems, and processes;
- requires MPTSC to annually review best practices for the establishment and implementation of a community policing program, as specified; and
- alters the term "SWAT" to be "special tactical response team."

In addition, the bill alters the powers and duties of MPTSC to:

- establish entrance-level and in-service topics requiring special training and study by October 15 each year;

- ensure (instead of require) that specified topics are offered at least once every three years for in-service level police training conducted by the State and each county and municipal police training school;
- notify agencies, by November 1 each year, of all mandated training topics, as specified;
- post a list of mandatory training topics on a website maintained by MPTSC;
- verify that certified officers maintain certification in lifesaving techniques, as specified;
- consult with specified recognized law enforcement and educational institutions and other agencies and units of the State concerned with police training; and
- require adoption of a specified statement relating to motorcycle profiling by December 31, 2020.

### **Current Law:**

#### *Maryland Police Training and Standards Commission*

Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within DPSCS. 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.

#### *Law Enforcement Officers' Bill of Rights*

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 26 specified State and local agencies but does not extend to any correctional officers in the State. LEOBR extends uniform protections to officers in two major components of the disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer; and (2) procedures that must be followed once an investigation results in a recommendation that an officer be disciplined. LEOBR requirements are much more restrictive and time consuming than general State personnel requirements under Title 11 of the State Personnel and Pensions Article. Specifically, LEOBR delineates who can do the investigation, what management must disclose to the employee, and when and where the meeting can take place; it also limits the duration of the meeting.

#### *Maryland Police Training and Standards Commission Fund*

Chapter 758 of 2018 established the Maryland Police Training and Standards Commission Fund to provide funding for activities and training by MPTSC. The fund consists of (1) revenue distributed to the fund from specified court fees; (2) money appropriated in the State budget to the fund; (3) interest earnings; and (4) any other money from any other source accepted for the benefit of the fund. The Comptroller must annually pay \$2 million in collected fees from specified court costs into the fund.

---

### **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; Morgan State University; Department of General Services; Maryland Department of Health; Maryland Department of Labor; Department of

Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2020  
rh/lgc Third Reader - March 17, 2020  
Revised - Amendment(s) - March 17, 2020

---

Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:

(410) 946-5510

(301) 970-5510