

# HOUSE BILL 172

E4, C3  
HB 1280/23 – JUD

(PRE-FILED)

4lr4565  
CF SB 287

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By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Requested: September 29, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 27, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of State Police – Professional Occupations – Application Process**

3 FOR the purpose of authorizing the Secretary of State Police to determine the manner and  
4 format for applications for certification as a private detective ~~and security guard,~~  
5 security guard, security systems technician, and railroad police officer and for a  
6 license to provide security guard services; altering the application requirements  
7 related to security guard agency, private detective agency, and security systems  
8 agency licenses and commercial general liability insurance; requiring an applicant  
9 for a special police commission to submit two sets of fingerprints in a certain format  
10 to the Secretary; and generally relating to applications for professional occupations  
11 and the Department of State Police.

12 BY repealing and reenacting, without amendments,  
13 Article – Business Occupations and Professions  
14 Section 13–101(a), (g), (h), and (l)  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Business Occupations and Professions  
19 Section 13–304, 13–308, 13–403, 13–404.1, 18–303, 18–307, 18–3A–03, 18–3A–07,  
20 19–304, and 19–308  
21 Annotated Code of Maryland  
22 (2018 Replacement Volume and 2023 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, without amendments,  
2 Article – Business Occupations and Professions  
3 Section 19–101  
4 Annotated Code of Maryland  
5 (2018 Replacement Volume and 2023 Supplement)  
6 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

7 BY repealing and reenacting, with amendments,  
8 Article – Business Occupations and Professions  
9 Section 19–402 and 19–404.1  
10 Annotated Code of Maryland  
11 (2018 Replacement Volume and 2023 Supplement)  
12 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

13 BY repealing and reenacting, without amendments,  
14 Article – Public Safety  
15 Section 3–301  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Public Safety  
20 Section 3–304 and 3–404  
21 Annotated Code of Maryland  
22 (2022 Replacement Volume and 2023 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
24 That the Laws of Maryland read as follows:

25 **Article – Business Occupations and Professions**

26 13–101.

27 (a) In this title the following words have the meanings indicated.

28 (g) “Licensed private detective agency” means, unless the context requires  
29 otherwise, a person who is licensed by the Secretary to conduct a business that provides  
30 private detective services.

31 (h) “Private detective” means an individual who personally provides private  
32 detective services.

33 (l) “Secretary” means the Secretary of State Police.

34 13–304.

1 (a) (1) An applicant for a license shall:

2 (i) submit to the Secretary an application [on the form that] IN THE  
3 MANNER AND FORMAT DESIGNATED BY the Secretary [provides];

4 (ii) submit the documents required under this section; and

5 (iii) pay to the Secretary, IN A METHOD APPROVED BY THE  
6 SECRETARY, the fees required under subsection (b) of this section.

7 (2) If the applicant is a firm, the representative member shall complete the  
8 application [form] and otherwise be responsible for the firm's compliance with this section.

9 (b) (1) An applicant for a license shall pay to the Secretary an application fee  
10 of:

11 (i) \$200, if the applicant is an individual; or

12 (ii) \$375, if the applicant is a firm; and

13 (iii) the fees authorized under subsection (c)(2) of this section.

14 (2) (i) As part of the application for a license, the applicant shall submit  
15 to the Secretary the fingerprints required under subsection (c)(2)(i) of this section.

16 (ii) If the applicant is a firm, the applicant shall pay the cost of the  
17 fingerprint card record checks for each firm member.

18 (c) (1) The Department of State Police shall apply to the Central Repository  
19 for a State and national criminal history records check for each applicant.

20 (2) As part of the application for a criminal history records check, the  
21 Department of State Police shall submit to the Central Repository:

22 (i) two complete sets of the applicant's legible fingerprints taken on  
23 forms approved by the Director of the Central Repository and the Director of the Federal  
24 Bureau of Investigation;

25 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
26 Procedure Article for access to Maryland criminal history records; and

27 (iii) the mandatory processing fee required by the Federal Bureau of  
28 Investigation for a national criminal history records check.

29 (3) In accordance with §§ 10-201 through 10-234 of the Criminal  
30 Procedure Article, the Central Repository shall forward to the applicant and the

1 Department of State Police a printed statement of the applicant's criminal history record  
2 information.

3 (4) The subject of a criminal history records check under this section may  
4 contest the contents of the printed statement issued by the Central Repository as provided  
5 in § 10–223 of the Criminal Procedure Article.

6 (d) (1) If the applicant is an individual, the application [form] provided by the  
7 Secretary shall require:

8 (i) the name of the applicant;

9 (ii) the age of the applicant;

10 (iii) the address of the applicant; and

11 (iv) the current and previous employment of the applicant.

12 (2) If the applicant is a firm, the application [form] provided by the  
13 Secretary shall require:

14 (i) a list of all of the firm members; and

15 (ii) for each firm member, the same information required regarding  
16 an individual applicant under paragraph (1) of this subsection.

17 (3) For all applicants, the application [form] shall require:

18 (i) the address of the applicant's proposed principal place of  
19 business and of each proposed branch office;

20 (ii) any trade or fictitious name that the applicant intends to use  
21 while conducting the business of the private detective agency;

22 (iii) the submission of a facsimile of any trademark that the applicant  
23 intends to use while conducting the business of the private detective agency; and

24 (iv) as the Secretary considers appropriate, any other information to  
25 assist in the evaluation of:

26 1. an individual applicant; or

27 2. if the applicant is a firm, any firm member.

28 (e) The application [form] provided by the Secretary shall contain a statement  
29 advising the applicant that willfully making a false statement on an application is a

1 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 13–705 and  
2 13–707 of this title.

3 (f) (1) If the applicant is an individual, the application [form] shall be signed,  
4 under oath, by the individual.

5 (2) If the applicant is a firm, the application [form] shall be signed, under  
6 oath, by the representative member, as the representative member, and by all the other  
7 firm members.

8 (g) (1) If the applicant is an individual, the application shall be accompanied  
9 by at least three names of individuals who can attest to the character of the applicant.

10 (2) If the applicant is a firm, the application shall be accompanied by at  
11 least three names of individuals who can attest to the character of each firm member.

12 (h) An applicant for a license who intends to employ at least 5 individuals as  
13 private detectives shall submit with the application proof of commercial general liability  
14 insurance, including errors and omissions and completed operations with a \$1,000,000 total  
15 aggregate minimum, as required under § 13–604 of this title.

16 (i) In addition to meeting the other requirements of this section, a nonresident  
17 applicant shall submit a consent and any related document, as required by § 13–605 of this  
18 title.

19 13–308.

20 (a) By regulation, the Secretary shall stagger the terms of the licenses.

21 (b) Unless a license is renewed for a 3–year term as provided in this section, the  
22 license expires on the day that the Secretary sets.

23 (c) At least 1 month before a license expires, the Secretary shall [mail or]  
24 electronically transmit to the licensee **A NOTICE THAT STATES:**

25 (1) [a renewal application form; and

26 (2) a notice that states:

27 (i) the date on which the current license expires;

28 [(ii)] (2) that the Secretary must receive the renewal application  
29 and the statements required under § 13–309 of this subtitle, at least 15 days before the  
30 license expiration date, for the renewal to be issued and mailed before the license expires;

31 [(iii)] (3) the amount of the renewal fee;

1 [(iv)] (4) that, if the statements required under § 13–309 of this  
 2 subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per  
 3 day shall be charged against the licensee until the statements are received; and

4 [(v)] (5) that the submission of a false statement in the renewal  
 5 application or in the annual statements is cause for revocation of the license.

6 (d) A licensee periodically may renew the license for an additional 3–year term, if  
 7 the licensee:

8 (1) otherwise is entitled to be licensed;

9 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

10 (i) a renewal fee of:

11 1. \$200, if the licensee is an individual; or

12 2. \$400, if the licensee is a firm; and

13 (ii) any late fee required under § 13–309 of this subtitle; and

14 (3) submits to the Secretary:

15 (i) a renewal application [on the form that the Secretary provides]  
 16 **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;** and

17 (ii) the statements required under § 13–309 of this subtitle.

18 (e) The Secretary shall renew the license of each licensee who meets the  
 19 requirements of this section.

20 13–403.

21 To qualify for certification as a private detective, an employee of or applicant for  
 22 employment with a licensed private detective agency shall:

23 (1) meet the standards set by the Secretary;

24 (2) submit to the Secretary:

25 (i) a sworn application [on the form] **IN THE MANNER AND**  
 26 **FORMAT DESIGNATED BY** the Secretary [provides]; and

27 (ii) the fingerprints required under § 13–304(c)(2)(i) of this title; and

1 (3) pay to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

2 (i) an application fee of \$15; and

3 (ii) the fees required under § 13–304(c)(2) of this title.

4 13–404.1.

5 (a) By regulation, the Secretary shall stagger the terms of the certifications under  
6 this subtitle.

7 (b) Unless a certification is renewed for a 3–year term as provided in this section,  
8 the certification expires on the date the Secretary sets.

9 (c) At least 90 days before a certification expires, the applicant shall [deliver]  
10 **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE**  
11 **SECRETARY:**

12 (1) a renewal application [form];

13 (2) the amount of the renewal fee **IN A METHOD APPROVED BY THE**  
14 **SECRETARY;** and

15 (3) the amount of any late fee, as determined by the Secretary.

16 (d) An individual periodically may renew the certification for an additional  
17 3–year term, if the individual:

18 (1) is otherwise entitled to be certified;

19 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

20 (i) a renewal fee of \$10;

21 (ii) the fee authorized under § 10–221(b)(7) of the Criminal  
22 Procedure Article for access to Maryland criminal history records;

23 (iii) the mandatory processing fee required by the Federal Bureau of  
24 Investigation for a national criminal history records check; and

25 (iv) any late fee required under this subtitle; and

26 (3) submits to the Secretary:

1 (i) a renewal application [on the form the Secretary provides] **IN**  
2 **THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY**; and

3 (ii) two complete sets of the applicant's legible fingerprints taken [on  
4 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director  
5 of the Federal Bureau of Investigation.

6 (e) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure  
7 Article, the Central Repository shall forward to the applicant and the Department of State  
8 Police a printed statement of the applicant's criminal history records information.

9 (f) (1) Subject to paragraph (2) of this subsection, if a complete application for  
10 renewal of certification as required under this subtitle is not received by the Secretary at  
11 least 30 calendar days before the certification expires, the Secretary shall assess a late fee  
12 of \$5 per day until the application is received by the Secretary, unless the applicant did not  
13 make timely renewal because of incapacity, hospitalization, being called to active military  
14 duty, or other hardship.

15 (2) The total amount of late fees assessed under this subsection may not  
16 exceed \$150.

17 (3) The Secretary may not certify any applicant under this title if the  
18 applicant has outstanding late fee obligations.

19 (g) (1) The Secretary shall renew the certification of each individual who  
20 meets the requirements of this section.

21 (2) Within 5 days after the Secretary refuses to renew the certification of  
22 an individual as a private detective, the Secretary shall send written notice of the refusal  
23 to the individual who submitted the renewal application.

24 18–303.

25 (a) An applicant for a license shall:

26 (1) submit to the Secretary an application [on the form that] **IN THE**  
27 **MANNER AND FORMAT DESIGNATED BY** the Secretary [provides];

28 (2) submit the documents required by this section; and

29 (3) pay to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

30 (i) an application fee of \$100;

31 (ii) the fee authorized under § 10–221(b)(7) of the Criminal  
32 Procedure Article for access to Maryland criminal history records; and

1                   (iii) the mandatory processing fee required by the Federal Bureau of  
2 Investigation for a national criminal history records check.

3           (b) The application [form] provided by the Secretary shall contain a statement  
4 advising the applicant that willfully making a false statement on an application is a  
5 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18–504 of this  
6 title.

7           (c) If the applicant is a firm, the representative member shall complete the  
8 application [form] and otherwise be responsible for the firm’s compliance with this section.

9           (d) (1) The application shall be accompanied by at least two written  
10 recommendations for the applicant.

11                   (2) Each recommendation shall be signed, under oath, by a reputable  
12 citizen of the State.

13           (e) (1) An applicant for a license shall submit with the application [a set] **TWO**  
14 **COMPLETE SETS** of **THE APPLICANT’S** legible fingerprints [of the applicant on a form]  
15 **TAKEN IN A FORMAT** approved by the [Criminal Justice Information System] **DIRECTOR**  
16 **OF THE** Central Repository and the Director of the Federal Bureau of Investigation.

17                   (2) If the applicant is a firm, the applicant shall pay the cost of the  
18 fingerprint [card] records check for each firm member.

19           (f) An applicant for a license shall submit with the application a copy of a bond  
20 or proof of insurance in accordance with the requirements of § 18–401 of this title.

21           (g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d),  
22 and (e) of this section and issue a license to an applicant who:

23                   (1) provides adequate evidence that the applicant:

24                           (i) is licensed to engage in the business of providing security  
25 systems services in another state; and

26                           (ii) became licensed in the other state:

27                                   1. after meeting qualifications that are at least equivalent to  
28 those required in this State; and

29                                   2. after submitting to a State and national criminal records  
30 check; and



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

3                   (iii) the mandatory processing fee required by the Federal Bureau of  
4 Investigation for a national criminal history records check; and

5                   (iv) any late fee required under this subtitle; and

6           (3) submits to the Secretary:

7                   (i) a renewal application [on the form the Secretary provides] **IN**  
8 **THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

9                   (ii) two complete sets of the applicant’s legible fingerprints taken [on  
10 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director  
11 of the Federal Bureau of Investigation; and

12                   (iii) satisfactory evidence of compliance with any other requirements  
13 under this section for renewal of registration.

14           (e) In accordance with §§ 10–201 through 10–235 of the Criminal Procedure  
15 Article, the Central Repository shall forward to the applicant and the Department of State  
16 Police a printed statement of the applicant’s criminal history records information.

17           (f) The Secretary may waive the national criminal history records check required  
18 under subsection (d) of this section for an applicant who was issued a license under §  
19 18–303(g) of this subtitle if the applicant pays to the Secretary, **IN A METHOD APPROVED**  
20 **BY THE SECRETARY,** a processing fee of \$100.

21           (g) If the renewal application was submitted as required in subsection (d) of this  
22 section and the national criminal history records check required under this section is not  
23 completed before the licensee’s license expires, the Secretary shall allow the licensee to  
24 operate in a temporary license status if the licensee otherwise meets the requirements of  
25 this section.

26           (h) A licensee may operate in a temporary license status at the time of renewal  
27 only if the renewal application and all required documents and fees were submitted by the  
28 expiration date of the license.

29           (i) The temporary license status shall expire at the earlier of:

30                   (1) the completion of the national criminal history records check of the  
31 applicant; or

32                   (2) the renewal or denial of the license.

1           (j) The Secretary shall renew the license of each applicant who meets the  
2 requirements of this section.

3 18-3A-03.

4           (a) An applicant for registration shall:

5               (1) submit to the Secretary an application [on the form that the Secretary  
6 provides] IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;

7               (2) submit the documents required by this section; and

8               (3) pay to the Secretary IN A METHOD APPROVED BY THE SECRETARY:

9                     (i) an application fee that is the higher of \$15 or an amount the  
10 Secretary determines based on actual processing costs; and

11                    (ii) the cost of any background checks.

12           (b) The application [form] provided by the Secretary shall contain a statement  
13 advising the applicant that willfully making a false statement on an application is a  
14 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this  
15 title.

16           (c) An applicant for registration shall submit with the application [a set] TWO  
17 COMPLETE SETS of THE APPLICANT'S legible fingerprints [of the applicant on forms]  
18 TAKEN IN A FORMAT approved by the [Criminal Justice Information System] DIRECTOR  
19 OF THE Central Repository and the Director of the Federal Bureau of Investigation.

20           (d) The Secretary may waive the requirements of this section and register an  
21 applicant who:

22               (1) provides adequate evidence that the applicant:

23                     (i) is licensed in another state to engage in the business of providing  
24 security systems services or registered in another state as a security systems technician or  
25 other individual who has access to circumventational information; and

26                    (ii) became licensed or registered in the other state:

27                        1. after meeting qualifications that are at least equivalent to  
28 those required in this State; and

29                        2. after submitting to a State and national criminal records  
30 check; and

1           (2)   pays to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY,**  
2 a processing fee that is the higher of \$15 or an amount the Secretary determines based on  
3 actual processing costs.

4           (e)   A minor in an apprenticeship program approved by the Maryland Department  
5 of Labor or a cooperative education program established under § 18-3A-02 of this subtitle  
6 is not required to meet the criminal background check and fingerprint requirements of this  
7 section.

8 18-3A-07.

9           (a)   By regulation, the Secretary shall stagger the terms of the registrations under  
10 this subtitle.

11           (b)   Unless a registration is renewed for a 3-year term as provided in this section,  
12 the registration expires on the date the Secretary sets.

13           (c)   At least 90 days before a registration expires, the applicant shall [deliver]  
14 SUBMIT to the Secretary:

15                   (1)   a renewal application [form] **IN THE MANNER AND FORMAT**  
16 **DESIGNATED BY THE SECRETARY;**

17                   (2)   the amount of the renewal fee **IN A METHOD APPROVED BY THE**  
18 **SECRETARY;** and

19                   (3)   the amount of any late fee, as determined by the Secretary.

20           (d)   An individual periodically may renew a registration for an additional 3-year  
21 term if the individual:

22                   (1)   otherwise is entitled to be registered;

23                   (2)   pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

24                           (i)   a renewal fee that is the higher of \$15 or an amount which the  
25 Secretary determines based on the actual processing costs;

26                           (ii)   the fee authorized under § 10-221(b)(7) of the Criminal  
27 Procedure Article for access to Maryland criminal history records;

28                           (iii)   the mandatory processing fee required by the Federal Bureau of  
29 Investigation for a national criminal history records check; and

30                           (iv)   any late fee required under this subtitle; and

1           (3)   submits to the Secretary:

2                   (i)   a renewal application [on the form the Secretary provides] **IN**  
3 **THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

4                   (ii)   two complete sets of the applicant's legible fingerprints taken [on  
5 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director  
6 of the Federal Bureau of Investigation; and

7                   (iii)   satisfactory evidence of compliance with any other requirements  
8 under this section for renewal of registration.

9           (e)   In accordance with §§ 10–201 through 10–235 of the Criminal Procedure  
10 Article, the Central Repository shall forward to the applicant and the Department of State  
11 Police a printed statement of the applicant's criminal history records information.

12           (f)   (1)   Subject to paragraph (2) of this subsection, if a complete application for  
13 renewal of registration as required under this subtitle is not received by the Secretary at  
14 least 30 calendar days before the certification expires, the Secretary shall assess a late fee  
15 of \$5 per day until the application is received by the Secretary.

16                   (2)   The total amount of late fees assessed under this subsection may not  
17 exceed \$150.

18                   (3)   The Secretary may not register any applicant under this title if the  
19 applicant has outstanding late fee obligations.

20           (g)   The Secretary may waive the national criminal history records check required  
21 under subsection (d) of this section for an applicant who was registered under § 18–3A–03  
22 of this subtitle if the applicant pays to the Secretary, **IN A METHOD APPROVED BY THE**  
23 **SECRETARY,** a processing fee of \$15.

24           (h)   If the renewal application was submitted as required under this section and  
25 the national criminal history records check required under this section is not completed  
26 before a registration expires, the Secretary shall allow the applicant to operate in a  
27 temporary registration status if the applicant otherwise meets the requirements of this  
28 section.

29           (i)   The temporary registration status shall expire at the earlier of:

30                   (1)   the completion of the national criminal history records check of the  
31 applicant; or

32                   (2)   the renewal or denial of the registration.

1           (j)   (1)   The Secretary shall renew the registration of each individual who meets  
2 the requirements of this section.

3                   (2)   Within 5 days after the Secretary refuses to renew the registration of  
4 an individual under this title, the Secretary shall send written notice of the refusal to the  
5 individual who submitted the renewal application.

6 19–101.

7           (a)   In this title the following words have the meanings indicated.

8           (b)   “Central Repository” means the Criminal Justice Information System Central  
9 Repository of the Department of Public Safety and Correctional Services.

10           (c)   “Certification card” means a card issued by the Secretary under § 19–405 of  
11 this title to an individual certified as a security guard.

12           (d)   “Firm” means a partnership or corporation.

13           (e)   “Firm member” means a partner of a partnership or an officer or director of a  
14 corporation.

15           (f)   “License” means, unless the context requires otherwise, a license issued by the  
16 Secretary to conduct a business to provide security guard services.

17           (g)   “Licensed security guard agency” means a person who is licensed by the  
18 Secretary to conduct a business that provides security guard services.

19           (h)   “Police officer” has the meaning stated in § 2–101 of the Criminal Procedure  
20 Article.

21           (i)   “Representative member” means a firm member who is appointed under §  
22 19–302(b) of this title to act on behalf of the firm.

23           (j)   “Secretary”, unless the context requires otherwise, means the Secretary of  
24 State Police.

25           (k)   “Security guard” means an individual who, regardless of whether the  
26 individual is described as a security guard, watchman, or private patrolman or by other  
27 title:

28                   (1)   (i)   is an employee of a security guard agency; and

29                               (ii)   provides security guard services to another person on behalf of  
30 the security guard agency; or

31                   (2)   (i)   is an employee of a security guard employer; and

1 (ii) provides security guard services to the security guard employer.

2 (l) (1) “Security guard agency” means a person who conducts a business that  
3 provides security guard services.

4 (2) “Security guard agency” does not include:

5 (i) a person that is primarily engaged in the business of owning,  
6 maintaining, or otherwise managing property; or

7 (ii) a security guard employer.

8 (m) (1) “Security guard employer” means a person who employs security  
9 guards only to provide security guard services to the person.

10 (2) “Security guard employer” does not include a security guard agency.

11 (n) “Security guard services” includes any activity that is performed for  
12 compensation as a security guard to protect any individual or property, except the activities  
13 of an individual while performing as:

14 (1) a marine guard or ship watchman, regardless of whether the guard or  
15 watchman is stationed aboard a ship or on a pier;

16 (2) a special police officer appointed and while performing under Title 3,  
17 Subtitle 3 of the Public Safety Article or § 16–16 of the Code of Public Local Laws of  
18 Baltimore City; or

19 (3) an unarmed employee of a bar, tavern, or restaurant.

20 19–304.

21 (a) (1) An applicant for a license shall:

22 (i) submit to the Secretary an application [on the form that] **IN THE**  
23 **MANNER AND FORMAT DESIGNATED BY** the Secretary [provides];

24 (ii) submit the documents required under this section; and

25 (iii) pay to the Secretary, **IN A METHOD APPROVED BY THE**  
26 **SECRETARY**, the fees required under subsection (b) of this section.

27 (2) If the applicant is a firm, the representative member shall complete the  
28 application [form] and otherwise be responsible for the firm’s compliance with this section.

1 (b) (1) An applicant for a license shall pay to the Secretary an application fee  
2 of:

3 (i) \$200, if the applicant is an individual; or

4 (ii) \$375, if the applicant is a firm; and

5 (iii) the fees authorized under subsection (c) of this section.

6 (2) (i) As part of the application for a license, the applicant shall submit  
7 to the Secretary the fingerprints required under subsection (c) of this section.

8 (ii) If the applicant is a firm, the applicant shall pay the cost of the  
9 fingerprint card record checks for each firm member.

10 (c) (1) The Department of State Police shall apply to the Central Repository  
11 for a State and national criminal history records check for each applicant.

12 (2) As part of the application for a criminal history records check, the  
13 Department of State Police shall submit to the Central Repository:

14 (i) two complete sets of the applicant's legible fingerprints taken [on  
15 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director  
16 of the Federal Bureau of Investigation;

17 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
18 Procedure Article for access to Maryland criminal history records; and

19 (iii) the mandatory processing fee required by the Federal Bureau of  
20 Investigation for a national criminal history records check.

21 (3) In accordance with §§ 10-201 through 10-235 of the Criminal  
22 Procedure Article, the Central Repository shall forward to the applicant and the  
23 Department of State Police a printed statement of the applicant's criminal history record  
24 information.

25 (4) Information obtained from the Central Repository under this section  
26 shall be:

27 (i) confidential and may not be disseminated; and

28 (ii) used only for the purpose authorized by this section.

29 (5) The subject of a criminal history records check under this section may  
30 contest the contents of the printed statement issued by the Central Repository as provided  
31 in § 10-223 of the Criminal Procedure Article.

1 (d) (1) If the applicant is an individual, the application [form] provided by the  
2 Secretary shall require:

- 3 (i) the name of the applicant;
- 4 (ii) the age of the applicant;
- 5 (iii) the address of the applicant; and
- 6 (iv) the current and previous employment of the applicant.

7 (2) If the applicant is a firm, the application [form] provided by the  
8 Secretary shall require:

- 9 (i) a list of all of the firm members; and
- 10 (ii) for each firm member, the same information required regarding  
11 an individual applicant under paragraph (1) of this subsection.

12 (3) For all applicants, the application [form] shall require:

- 13 (i) the address of the applicant's proposed principal place of  
14 business and of each proposed branch office;
- 15 (ii) any trade or fictitious name that the applicant intends to use  
16 while conducting the business of the security guard agency;
- 17 (iii) the submission of a facsimile of any trademark that the applicant  
18 intends to use while conducting the business of the security guard agency; and
- 19 (iv) as the Secretary considers appropriate, any other information to  
20 assist in the evaluation of:
  - 21 1. an individual applicant; or
  - 22 2. if the applicant is a firm, any firm member.

23 (e) The application [form] provided by the Secretary shall contain a statement  
24 advising the applicant that willfully making a false statement on an application is a  
25 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19-605 and  
26 19-607 of this title.

27 (f) (1) If the applicant is an individual, the application [form] shall be signed,  
28 under oath, by the individual.

1           (2) If the applicant is a firm, the application [form] shall be signed, under  
2 oath, by the representative member, as the representative member, and shall provide proof  
3 to the Secretary that the representative member is a member of the firm.

4           (g) (1) If the applicant is an individual, the application shall be accompanied  
5 by at least three names of individuals who can attest to the character of the applicant.

6           (2) If the applicant is a firm, the application shall be accompanied by at  
7 least three names of individuals who can attest to the character of each firm member.

8           (h) An applicant for a license who intends to employ [at least five] **ONE OR MORE**  
9 individuals as security guards shall submit with the application proof of commercial  
10 general liability insurance[, including errors and omissions and completed operations with  
11 a \$1,000,000 total aggregate minimum], as required under § 19–504 of this title.

12           (i) In addition to meeting the other requirements of this section, a nonresident  
13 applicant shall submit a consent and any related document, as required by § 19–505 of this  
14 title.

15 19–308.

16           (a) By regulation, the Secretary shall stagger the terms of the licenses.

17           (b) Unless a license is renewed for a 3–year term as provided in this section, the  
18 license expires on the date the Secretary sets.

19           (c) At least 1 month before a license expires, the Secretary shall [mail or]  
20 electronically transmit to the licensee **A NOTICE THAT STATES:**

21           (1) [a renewal application form; and

22           (2) a notice that states:

23                   (i)] the date on which the current license expires;

24                   [(ii)] **(2)** that the Secretary must receive the renewal application  
25 and the statements required under § 19–309 of this subtitle, at least 15 days before the  
26 license expiration date, for the renewal to be issued and mailed before the license expires;

27                   [(iii)] **(3)** the amount of the renewal fee;

28                   [(iv)] **(4)** that, if the statements required under § 19–309 of this  
29 subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per  
30 day shall be charged against the licensee until the statements are received; and

1                    [(v)] **(5)**        that the submission of a false statement in the renewal  
2 application or in the annual statements is cause for revocation of the license.

3            (d)     A licensee periodically may renew the license for an additional 3-year term, if  
4 the licensee:

5                    (1)     otherwise is entitled to be licensed;

6                    (2)     pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

7                            (i)     a renewal fee of:

8                                    1.     \$200, if the licensee is an individual; or

9                                    2.     \$400, if the licensee is a firm;

10                    (ii)     payment for the cost of a fingerprint card record check by the  
11 Federal Bureau of Investigation; and

12                    (iii)     any late fee required under § 19–309 of this subtitle; and

13                    (3)     submits to the Secretary:

14                            (i)     a renewal application [on the form that the Secretary provides]  
15 **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

16                            (ii)     a complete set of the applicant's legible fingerprints taken [on  
17 federal fingerprint cards] **IN A FORMAT APPROVED BY THE DIRECTOR OF THE**  
18 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
19 **INVESTIGATION;**

20                    (iii)     the statements required under § 19–309 of this subtitle and any  
21 other documentation that may be required by the Secretary to renew the agency license  
22 under this subtitle; and

23                    (iv)     two photographs of the applicant in a format approved by the  
24 Secretary.

25            (e)     The Secretary shall renew the license of each licensee who meets the  
26 requirements of this section.

27 19–402.

28            (a)     To qualify for certification as a security guard, an individual shall:

29                    (1)     meet the standards set by the Secretary;

1           (2)    be an employee of or an applicant for employment with a licensed  
2 security guard agency or a security guard employer;

3           (3)    be of good moral character and reputation;

4           (4)    submit to the licensed security guard agency or the security guard  
5 employer, for forwarding to the Secretary:

6                   (i)    a sworn application [on the form the Secretary provides] **IN THE**  
7 **MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

8                   (ii)   the fingerprints required under § 19–304(c) of this title;

9                   (iii)  a nonrefundable application fee of \$15;

10                  (iv)  a declaration under the penalties of perjury stating whether:

11                           1.    the individual has been convicted of:

12                                   A.    a disqualifying crime, under § 5–101 of the Public Safety  
13 Article; or

14                                   B.    a crime of violence, under § 14–101 of the Criminal Law  
15 Article;

16                                   2.    if currently or formerly employed as a police officer, the  
17 individual has had any formal findings by a court, hearing board, or other governmental  
18 entity of unlawful or excessive use of force or of making a false statement during the  
19 individual’s employment with the law enforcement agency; and

20                                   3.    the individual plans to carry a handgun in the course of  
21 providing security guard services; and

22                  (v)    documentation that the individual has either:

23                                   1.    satisfactorily completed 12 hours of initial security  
24 training that is approved by the Maryland Police Training and Standards Commission  
25 under § 19–412 of this subtitle; or

26                                   2.    been employed as a police officer in the 3 years  
27 immediately preceding the application;

28           (5)    pay to the licensed security guard agency or the security guard  
29 employer, for forwarding to the Secretary, the fees authorized under § 19–304(c) of this  
30 title; and

1 (6) be at least 18 years old.

2 (b) On receipt from an applicant for certification as a security guard, a licensed  
3 security guard agency or security guard employer shall forward to the Secretary the  
4 applicant's application [form], fingerprint cards, and criminal history records check fees.

5 (c) (1) Subject to paragraph (2) of this subsection, an applicant for certification  
6 as a security guard shall complete 12 hours of initial security training that is approved by  
7 the Maryland Police Training and Standards Commission under § 19-412 of this subtitle.

8 (2) An applicant for certification may not be required to complete the  
9 training specified in paragraph (1) of this subsection if the applicant:

10 (i) has been employed as a police officer in the 3 years immediately  
11 preceding the application; and

12 (ii) provides supporting documentation with the application for  
13 certification as a security guard in accordance with subsection (a)(4)(v)2 of this section.

14 19-404.1.

15 (a) By regulation, the Secretary shall stagger the terms of the certifications.

16 (b) Unless a certification is renewed for a 3-year term as provided in this section,  
17 the certification expires on the date the Secretary sets.

18 (c) At least 90 days before a certification expires, the applicant shall [mail]  
19 **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE**  
20 **SECRETARY:**

21 (1) a renewal application [form];

22 (2) the amount of the renewal fee **IN A METHOD APPROVED BY THE**  
23 **SECRETARY;** and

24 (3) the amount of any late fee, as determined by the Secretary.

25 (d) An individual periodically may renew the certification for an additional  
26 3-year term, if the individual:

27 (1) otherwise is entitled to be certified;

28 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

29 (i) a renewal fee of \$10;

1 (ii) payment for the cost of a fingerprint card record check by the  
2 Federal Bureau of Investigation; and

3 (iii) any late fee required under this subtitle;

4 (3) (i) satisfactorily completes 8 hours of continuing security training  
5 that is approved by the Maryland Police Training and Standards Commission under §  
6 19-412 of this subtitle; and

7 (ii) submits to the Secretary supporting documentation that  
8 demonstrates completion of the training; and

9 (4) submits to the Secretary a renewal application [on the form that the  
10 Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY.**

11 (e) (1) Subject to paragraph (2) of this subsection, if a complete application for  
12 renewal of certification as required under this subtitle is not received by the Secretary on  
13 or before the first business day of the next calendar month immediately following the  
14 renewal date, the Secretary shall assess a late fee of \$5 per day until the application is  
15 received by the Secretary.

16 (2) (i) The Secretary may not charge a late fee under paragraph (1) of  
17 this subsection if the applicant did not make timely renewal because of incapacity,  
18 hospitalization, being called to active military duty, or other hardship.

19 (ii) The total amount of late fees assessed against an applicant under  
20 this subsection may not exceed \$150.

21 (3) The Secretary may not certify any applicant under this subtitle if the  
22 applicant has outstanding late fee obligations.

23 (f) (1) The Secretary shall renew the certification of each individual who  
24 meets the requirements of this section.

25 (2) Within 5 days after the Secretary refuses to renew the certification of  
26 an individual as a security guard, the Secretary shall send written notice of the refusal to  
27 the individual who submitted the renewal application.

28 (g) At least 90 days before a certification expires, the licensed security guard  
29 agency or security guard employer shall submit a declaration to the Secretary under the  
30 penalties of perjury stating whether it knows that a certified security guard who provides  
31 security guard services on the security guard agency's behalf or for the security guard  
32 employer no longer satisfies all of the criteria for certification under § 19-402 of this  
33 subtitle.

1 3–301.

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

3 (b) “Central Repository” has the meaning stated in § 10–101 of the Criminal  
4 Procedure Article.

5 (c) “Commission” means a special police commission issued under this subtitle.

6 (d) “Secretary” means the Secretary of State Police.

7 (e) “Special police officer” means an individual who holds a commission issued  
8 under this subtitle.

9 3–304.

10 (a) (1) The employer of an applicant for a commission shall submit the  
11 application under this section.

12 (2) A separate application is required for each individual applicant for a  
13 commission.

14 (b) (1) The employer of an applicant for a commission shall submit to the  
15 Secretary:

16 (i) an application in the manner and format designated by the  
17 Secretary; and

18 (ii) subject to paragraph (4) of this subsection, an application fee of  
19 \$100 **IN A METHOD APPROVED BY THE SECRETARY**, to cover the cost of an investigation  
20 of the applicant.

21 (2) As part of the application for a commission, the applicant shall submit  
22 to the Secretary **[the set of fingerprints]**:

23 **(I) TWO SETS OF THE APPLICANT’S LEGIBLE FINGERPRINTS**  
24 **TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**  
25 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;** and

26 **(II) THE** fees required under subsection (c) of this section.

27 (3) The application fee is nonrefundable.

28 (4) An application fee may not be charged to a unit of the State.

1 (c) (1) The Secretary shall apply to the Central Repository for a State and  
2 national criminal history records check for each applicant for a special police commission.

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

5 (i) a complete set of the applicant's legible fingerprints taken in a  
6 format approved by the Director of the Central Repository and the Director of the Federal  
7 Bureau of Investigation;

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

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

12 (3) The Central Repository shall provide a receipt to the applicant for the  
13 fees paid in accordance with paragraph (2)(ii) and (iii) of this subsection.

14 (4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure  
15 Article, the Central Repository shall forward to the applicant and the Secretary a printed  
16 statement of the applicant's criminal history information.

17 (5) Information obtained from the Central Repository under this section:

18 (i) is confidential and may not be disseminated; and

19 (ii) may be used only for the purposes authorized by this section.

20 (6) If criminal history record information is reported to the Central  
21 Repository after the date of the initial criminal history records check, the Central  
22 Repository shall provide to the Department of State Police Licensing Division a revised  
23 printed statement of the applicant's or special police officer's State criminal history record.

24 3-404.

25 (a) The chief railroad police officer of a railroad company shall:

26 (1) submit to the Secretary under oath an application for appointment of  
27 each railroad police officer [on the form that the Secretary requires] IN A MANNER AND  
28 FORMAT DESIGNATED BY THE SECRETARY; and

29 (2) pay to the Secretary the application fee set by the Secretary IN A  
30 METHOD APPROVED BY THE SECRETARY.

31 (b) The application fee is nonrefundable.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
2 1, 2024, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If  
3 the effective date of Chapter 763 is amended, this Act shall take effect on the taking effect  
4 of Chapter 763.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.