

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Public Safety and Correctional Services
(DLS Control No. 15-009)**

Overview and Legal and Fiscal Impact

This regulation prohibits a denied petition for a waiver of a performance or training standard submitted on behalf of an individual to the Police Training Commission from being submitted again for at least two years.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Public Safety and Correctional Services:

Police Training Commission: General Regulations: COMAR 12.04.01.14

Legal Analysis

Background

Candidates for police officer positions and active duty police officers are required to meet a variety of selection and in-service training standards, involving such matters as drug history, criminal background, and firearms performance. If an individual fails to meet a standard, the head of the agency with which the individual seeks employment or is employed may submit a petition for a waiver on behalf of the individual to the commission. Under current regulations, there is no limit as to the number of times that a petition may be submitted.

According to the commission, candidates whose petition for waiver is denied often seek employment with another agency, which then submits a similar petition to the commission. The commission is seeking to limit the submission of duplicative petitions.

Summary of Regulation

The regulation prohibits a petition from being submitted within two years after the date on which the commission has denied the petition or upheld the decision of the deputy director of the commission to deny the petition.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Public Safety and Correctional Services cites § 2-109 of the Correctional Services Article and § 3-208(a) of the Public Safety Article as authority for the regulation. Specifically, § 2-109 of the Correctional Services Article requires the Secretary of the Department of Public Safety and Correctional Services to adopt regulations for the office of the Secretary, and § 3-208(a) of the Public Safety Article requires the commission to adopt regulations necessary or appropriate to carry out the laws governing the Police Training Commission.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation has no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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