

HB0172/343127/1

BY: Judiciary Committee

AMENDMENTS TO HOUSE BILL 172
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “and security guard” and substitute “, security guard, security systems technician, and railroad police officer”; in line 6, after “agency” insert “, private detective agency, and security systems agency”; in line 17, after “Section” insert “13-304, 13-308”; and in the same line, after “13-404.1” insert “, 18-303, 18-307, 18-3A-03, 18-3A-07”.

On page 2, in line 13, after “3-304” insert “and 3-404”.

AMENDMENT NO. 2

On page 2, after line 26, insert:

“13-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant’s criminal history record information.

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

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

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

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

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

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

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

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

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

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

1. an individual applicant; or

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

(e) The application [form] provided by the Secretary shall contain a statement advising the applicant that willfully making a false statement on an application is a misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 13-705 and 13-707 of this title.

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

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

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

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

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

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

13–308.

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

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

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

(1) [a renewal application form; and

(2) a notice that states:

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

[(ii)] (2) that the Secretary must receive the renewal application and the statements required under § 13–309 of this subtitle, at least 15 days

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before the license expiration date, for the renewal to be issued and mailed before the license expires;

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

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

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

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

(1) otherwise is entitled to be licensed;

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

(i) a renewal fee of:

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

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

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

(3) submits to the Secretary:

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

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

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

AMENDMENT NO. 3

On page 4, after line 23, insert:

“18-303.

(a) An applicant for a license shall:

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

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

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

(i) an application fee of \$100;

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

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

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

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

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

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

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

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

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

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

(1) provides adequate evidence that the applicant:

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

(ii) became licensed in the other state:

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

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

(2) pays to the Secretary, IN A METHOD APPROVED BY THE SECRETARY, a processing fee of \$100.

18-307.

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

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

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

(1) [a renewal application form; and

(2) a notice that states:

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

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[(ii)] (2) that the Secretary must receive the renewal application and proof of insurance or bonding as required in § 18–401 of this title at least 15 days before the license expiration date for the renewal to be issued and mailed before the license expires;

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

[(iv)] (4) that, if the complete renewal application and proof of insurance or bonding as required in § 18–401 of this title are not received at least 15 days before the license expiration date, a fee of \$25 per day shall be charged against the agency until the day the license expires, at which time the agency shall be considered closed;

[(v)] (5) that an agency may not be issued a license under this title until all outstanding obligations are satisfied with the Secretary; and

[(vi)] (6) that the submission of a false statement in the renewal application or the submission of altered or false documents that are otherwise required is cause for revocation of the agency license.

(d) An agency periodically may renew the license for an additional 3–year term, if the license holder:

(1) otherwise is entitled to be licensed;

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

(i) a renewal fee of \$100;

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

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

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

(3) submits to the Secretary:

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

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

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

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

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

(g) If the renewal application was submitted as required in subsection (d) of this section and the national criminal history records check required under this section is not completed before the licensee’s license expires, the Secretary shall allow the

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licensee to operate in a temporary license status if the licensee otherwise meets the requirements of this section.

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

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

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

(2) the renewal or denial of the license.

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

18-3A-03.

(a) An applicant for registration shall:

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

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

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

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

(ii) the cost of any background checks.

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

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

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

(1) provides adequate evidence that the applicant:

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

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

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

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

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

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

18-3A-07.

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

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

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

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

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

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

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

(1) otherwise is entitled to be registered;

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

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

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

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

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

(3) submits to the Secretary:

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

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

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

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

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

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

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

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

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

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

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

(2) the renewal or denial of the registration.

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

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

AMENDMENT NO. 4

On page 15, after line 6, insert:

“3-404.

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

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

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

(b) The application fee is nonrefundable.”.