
By: Senators Colburn and Baker

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Police Training Commission - Probationary Certification**

3 FOR the purpose of authorizing the Police Training Commission to grant probationary
4 certification to a person under certain circumstances; specifying the length of the
5 probationary period; requiring the Commission to grant full certification upon
6 completion of the probationary period; requiring the Commission to revoke the
7 probationary certification under certain circumstances; making a person ineligible
8 for certification under certain circumstances; defining a certain term; and generally
9 relating to the Police Training Commission and certification for police officers.

10 BY repealing and reenacting, with amendments,

11 Article 41 - Governor - Executive and Administrative Departments

12 Section 4-201(a), (d), and (g)

13 Annotated Code of Maryland

14 (1993 Replacement Volume and 1996 Supplement)

15 BY adding to

16 Article 41 - Governor - Executive and Administrative Departments

17 Section 4-201(o)

18 Annotated Code of Maryland

19 (1993 Replacement Volume and 1996 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

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1 **Article 41 - Governor - Executive and Administrative Departments**

2 4-201.

3 (a) As used in this section:

4 (1) "Approved police training school" means a school approved and
5 authorized by the Police Training Commission to offer police training programs as
6 prescribed in this section.

7 (2) "Commission" means the Police Training Commission or officers or
8 employees thereof acting on its behalf.

9 (3) "County" means any county which within its jurisdiction has or will have
10 a law enforcement unit as defined in this section.

11 (4) "EMPLOYMENT CONTRACT" MEANS A LEGALLY ENFORCEABLE
12 CONTRACT BETWEEN A PERSON AND A COUNTY, MUNICIPALITY, OR LAW
13 ENFORCEMENT UNIT PURSUANT TO WHICH THE MUNICIPALITY, COUNTY, OR LAW
14 ENFORCEMENT UNIT AGREES TO INCUR EXPENSES ASSOCIATED WITH THE
15 TRAINING OF A PERSON WHO SEEKS TO BECOME A CERTIFIED POLICE OFFICER ON
16 THE CONDITION THAT THE PERSON AGREE TO WORK FOR THE COUNTY,
17 MUNICIPALITY, OR LAW ENFORCEMENT UNIT FOR A CERTAIN PERIOD OF TIME
18 AFTER BECOMING A CERTIFIED POLICE OFFICER.

19 (5) (i) "Law enforcement unit" means any governmental police force,
20 sheriff's department, security force or law enforcement organization of the State, county,
21 or municipality which has by statute, ordinance, or common law, the authority for
22 enforcing the general criminal laws of this State.

23 (ii) Law enforcement unit does not mean those members of the
24 Maryland National Guard who are under the control and jurisdiction of the Military
25 Department, and who are charged with exercising police powers in and for the military
26 property, designated as the Glenn L. Martin State Airport, to which they are assigned.

27 [(5)] (6) "Municipality" means any incorporated city of any class which,
28 within its jurisdiction has or will have a law enforcement unit as defined in this section.

29 [(6)] (7) "Permanent appointment" means the appointment of a person
30 who has satisfactorily met the minimum standards of the Commission and is certified as a
31 police officer.

32 [(7)] (8) "Police official" means a full-time police officer employed by a
33 governmental agency having administrative responsibility.

34 [(8)] (9) (i) "Police officer" means a person who has the authority to
35 enforce the general criminal laws of this State and is a member of any of the following law
36 enforcement units:

37 1. Department of State Police;

38 2. Baltimore City Police Department;

39 3. Police department, bureau, or force of a county;

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1 4. Police department, bureau, or force of an incorporated city
2 or town;

3 5. Mass Transit Administration Police Force, the Maryland
4 Port Administration Police Force of the Department of Transportation, or the Maryland
5 Transportation Authority Police Force;

6 6. Police Force of the University of Maryland or Morgan State
7 University;

8 7. Sheriff's department of any county or Baltimore City;

9 8. Natural Resources Police Force or the Forest and Park
10 Service Police Force of the Department of Natural Resources;

11 9. Security Force of the Department of General Services; or
12 State, county or municipality security force if the special police officers are appointed
13 under the provisions of § 4-901 of this article;

14 10. Housing Authority of Baltimore City Police Force;

15 11. Baltimore City School Police Force; or

16 12. Crofton Police Department.

17 (ii) Police officer does not mean a person serving as such solely by
18 virtue of his occupying any other office or position, nor does the term include a sheriff,
19 Secretary of the State Police, commissioner of police, deputy or assistant commissioner of
20 police, chief of police, deputy or assistant chief of police, or any person having an
21 equivalent title who is appointed or employed by a government to exercise equivalent
22 supervisory authority. The term also does not mean any member of the Maryland
23 National Guard who is under the control and jurisdiction of the Military Department, and
24 who is charged with exercising police powers in and for the military property, designated
25 as the Glenn L. Martin State Airport, to which the individual is assigned. However, any
26 person who is exempt under this provision may be certified as a police officer if that
27 person meets the selection and training standards of the Commission.

28 (iii) "Police officer" includes a member of the Investigative Services
29 Unit of the Comptroller's Office.

30 [(9)] (10) "Police supervisors" means those police or law enforcement
31 officers who have been promoted from the patrolman rank to first-line supervisory duties.

32 [(10)] (11) "Police administrator" means those police or law enforcement
33 officers who have been promoted from the noncommissioned rank to first-line
34 administrative duties up to but not exceeding the rank of captain.

35 (d) Subject to the authority of the Secretary of Public Safety and Correctional
36 Services, the Commission is vested with the following authority, responsibility and duty:

37 (1) To prescribe standards for the approval and continuation of approval of
38 entrance-level and in-service schools at which police training courses required by this

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1 section shall be conducted, including but not limited to present existing State, regional,
2 county, and municipal police training schools;

3 (2) To approve and issue certificates of approval to such training schools, to
4 inspect such schools from time to time, and to revoke for cause any approval or certificate
5 issued to such school;

6 (3) To prescribe the curriculum, the minimum courses of study, attendance
7 requirements, eligibility to attend, equipment and facilities, and standards of operation
8 for such training schools, and to require that the curriculum and minimum courses of
9 study for entry police training and, at least every 3 years, for in-service level police
10 training conducted by the State and all county and municipal police training schools
11 include special training, attention to, and study of the application and the enforcement of
12 the criminal laws concerning rape and sexual offenses, including the sexual abuse of
13 children, related evidentiary procedures, and also the contact with and treatment of
14 victims of these crimes;

15 (4) To prescribe minimum qualifications for instructors at such schools and
16 to certify, as qualified, instructors for approved training schools and to issue appropriate
17 certificates to such instructors;

18 (5) To verify that officers have satisfactorily completed training programs
19 and to issue diplomas to those officers;

20 (6) [To] SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, TO certify
21 persons as police officers who have:

22 (i) Satisfactorily met the Commission's standards; or

23 (ii) Provided the Commission with sufficient evidence that he or she
24 has satisfactorily completed a training program in another state of equal quality and
25 content as required by the Commission;

26 (7) TO GRANT PROBATIONARY CERTIFICATION AS SPECIFIED IN
27 SUBSECTION (O) OF THIS SECTION TO PERSONS WHO HAVE:

28 (I) EXECUTED AN EMPLOYMENT CONTRACT; AND

29 (II) MET THE REQUIREMENTS OF PARAGRAPH (6) OF THIS
30 SUBSECTION.

31 (8) To suspend or revoke the certification OR PROBATIONARY
32 CERTIFICATION, provided for in [paragraph (6)] PARAGRAPHS (6) AND (7) of this
33 subsection, if the police officer has violated or has failed to meet the Commission's
34 standards, including having knowingly failed to report suspected child abuse in violation
35 of § 5-704 of the Family Law Article;

36 [(8)] (9) To conduct and operate approved police training schools as
37 defined in this subtitle;

38 [(9)] (10) To appoint, with the approval of the Secretary of Public Safety and
39 Correctional Services, an executive director, a deputy director, and such other employees

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1 as it shall deem necessary, to serve at its pleasure, who shall perform general
2 administrative and training management functions, and to fix their compensation;

3 [(10)] (11) To employ such other persons as may be necessary to carry out the
4 provisions of this section, upon approval of the Secretary of Public Safety and
5 Correctional Services and the legislature;

6 [(11)] (12) To make such rules and regulations as may be reasonably
7 necessary or appropriate to accomplish the purposes and objectives of this section;

8 [(12)] (13) To make a continuous study of entrance-level and in-service
9 training methods and procedures and to consult with and accept the cooperation of any
10 recognized federal, State, or municipal law enforcement agency or educational
11 institution;

12 [(13)] (14) To consult and cooperate with universities, colleges and
13 institutions in the State for the development of specialized courses of study for police
14 officers in police science and police administration;

15 [(14)] (15) To consult and cooperate with other departments and agencies of
16 the State concerned with police training; and

17 [(15)] (16) To perform such other acts as may be necessary or appropriate to
18 carry out its functions and duties as set forth in this section.

19 (g) (1) If the Commission believes that grounds for revocation or suspension of
20 an officer's certificate, provided for in subsection (d)(6) AND (7) of this section, may
21 exist, the Commission may initiate an action against the officer.

22 (2) The Commission shall hold a hearing, in compliance with the
23 Administrative Procedure Act, prior to the suspension or revocation of the officer's
24 certificate.

25 (3) Notice to the officer shall be in accordance with the Administrative
26 Procedure Act and shall include:

27 (i) The time and place of the hearing; and

28 (ii) The grounds for revocation or suspension of the certificate.

29 (4) Any police officer aggrieved by the findings and order of the
30 Commission may appeal the decision in accordance with the Administrative Procedure
31 Act.

32 (O) (1) THE PROBATIONARY PERIOD FOR CERTIFICATION UNDER
33 SUBSECTION (D)(7) OF THIS SECTION SHALL TERMINATE ON THE DATE SPECIFIED IN
34 THE EMPLOYMENT CONTRACT FOR COMPLETION OF THE OBLIGATORY TERM OF
35 EMPLOYMENT.

36 (2) IF A PERSON COMPLETES THE PROBATIONARY PERIOD SPECIFIED IN
37 PARAGRAPH (1) OF THIS SECTION, THE COMMISSION SHALL GRANT FULL
38 CERTIFICATION TO THE PERSON UNDER SUBSECTION (D)(6) OF THIS SECTION.

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1 (3) IF A PERSON BREACHES AN EMPLOYMENT CONTRACT BY
2 TERMINATING EMPLOYMENT WITH THE COUNTY, MUNICIPALITY, OR LAW
3 ENFORCEMENT UNIT PRIOR TO COMPLETION OF THE PROBATIONARY PERIOD:

4 (I) THE COMMISSION SHALL REVOKE THE PERSON'S
5 PROBATIONARY CERTIFICATION; AND

6 (II) THE PERSON SHALL BE INELIGIBLE FOR CERTIFICATION
7 UNDER THIS SECTION UNTIL THE DATE SPECIFIED IN THE EMPLOYMENT CONTRACT
8 FOR COMPLETION OF THE OBLIGATORY TERM OF EMPLOYMENT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1997.