

HOUSE BILL 381

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1999 Regular Session
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By: **Delegates Cryor, Barkley, Brown, DeCarlo, Hecht, Klausmeier, La Vay, Marriott, Moe, Pitkin, Walkup, Rzepkowski, and Sher Sher, Eckardt, Fulton, Goldwater, Harrison, Kach, Krysiak, Love, McHale, Minnick, and Swain**

Introduced and read first time: February 8, 1999
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 3, 1999

CHAPTER _____

1 AN ACT concerning

2 **Security Guards - Certifications and Renewals**

3 FOR the purpose of requiring an applicant for certification as a security guard to be of
4 good moral character and reputation; establishing a renewal process for
5 certifications of security guards; requiring certification cards to contain the date
6 on which the certification expires; authorizing the Secretary of State Police to
7 refuse to renew certifications under certain circumstances; authorizing the
8 Secretary of State Police to take certain disciplinary action if an applicant or
9 individual pleads guilty or nolo contendere to or is convicted of certain crimes;
10 and generally relating to certifications and renewals of certifications of security
11 guards.

12 BY repealing and reenacting, with amendments,
13 Article - Business Occupations and Professions
14 Section 19-402, 19-405, and 19-408
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1998 Supplement)

17 BY adding to
18 Article - Business Occupations and Professions
19 Section 19-404.1
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1998 Supplement)

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

3 **Article - Business Occupations and Professions**

4 19-402.

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

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

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

9 (3) BE OF GOOD MORAL CHARACTER AND REPUTATION;

10 [(3)] (4) submit to the licensed security guard agency, for forwarding to
11 the Secretary:

12 (i) a sworn application on the form the Secretary provides;

13 (ii) two sets of fingerprint cards marked with the applicant's
14 fingerprints; and

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

16 [(4)] (5) pay to the licensed security guard agency, for forwarding to the
17 Secretary, the cost of the fingerprint card record checks.

18 (b) On receipt from an applicant for certification as a security guard, a
19 licensed security guard agency shall forward to the Secretary the applicant's
20 application form, fingerprint cards, and records fee.

21 19-404.1.

22 (A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF THE
23 CERTIFICATIONS.

24 (B) UNLESS A CERTIFICATION IS RENEWED FOR A 3-YEAR TERM AS PROVIDED
25 IN THIS SECTION, THE CERTIFICATION EXPIRES ON THE DATE THE SECRETARY SETS.

26 (C) AT LEAST 90 DAYS BEFORE A CERTIFICATION EXPIRES, THE APPLICANT
27 SHALL MAIL TO THE SECRETARY:

28 (1) A RENEWAL APPLICATION FORM;

29 (2) THE AMOUNT OF THE RENEWAL FEE; AND

30 (3) THE AMOUNT OF ANY LATE FEE, AS DETERMINED BY THE
31 SECRETARY.

1 (D) AN INDIVIDUAL PERIODICALLY MAY RENEW THE CERTIFICATION FOR AN
2 ADDITIONAL 3-YEAR TERM, IF THE INDIVIDUAL:

3 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

4 (2) PAYS TO THE SECRETARY:

5 (I) A RENEWAL FEE OF ~~\$45~~ \$10;

6 (II) PAYMENT FOR THE COST OF A FINGERPRINT CARD RECORD
7 CHECK BY THE FEDERAL BUREAU OF INVESTIGATION; AND

8 (III) ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND

9 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE
10 FORM THAT THE SECRETARY PROVIDES.

11 (E) (1) THE SECRETARY SHALL RENEW THE CERTIFICATION OF EACH
12 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

13 (2) WITHIN 5 DAYS AFTER THE SECRETARY REFUSES TO RENEW THE
14 CERTIFICATION OF AN INDIVIDUAL AS A SECURITY GUARD, THE SECRETARY SHALL
15 SEND WRITTEN NOTICE OF THE REFUSAL TO THE INDIVIDUAL WHO SUBMITTED THE
16 RENEWAL APPLICATION.

17 19-405.

18 (a) The Secretary shall issue to each individual who is certified as a security
19 guard under this subtitle a certification card that identifies the individual as a
20 certified security guard.

21 (b) (1) Subject to this subsection, the Secretary shall determine the form
22 and content of the certification card.

23 (2) The certification card shall be of a size and made of materials
24 appropriate for its intended use, as provided under § 19-406 of this subtitle.

25 (3) The certification card shall contain:

26 (i) a statement that in substance specifies that the individual is
27 certified by the Secretary as a security guard; [and]

28 (ii) any information that the Secretary considers appropriate to:

29 1. identify the individual; or

30 2. specify the authority of the individual; AND

31 (III) THE DATE ON WHICH THE CERTIFICATION EXPIRES.

1 19-408.

2 Subject to the hearing provisions of § 19-410 of this subtitle, the Secretary may
3 deny certification as a security guard to any applicant, reprimand any individual
4 certified as a security guard, or suspend [or], revoke, OR REFUSE TO RENEW the
5 certification of an individual:

6 (1) for any applicable ground under § 19-313 of this title;

7 (2) if the applicant or individual fraudulently or deceptively obtains or
8 attempts to obtain certification as a security guard for the applicant or individual or
9 for another; [or]

10 (3) if the applicant or individual fails to maintain the standards set by
11 the Secretary for certification as a security guard; OR

12 (4) IF, UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, THE
13 APPLICANT OR INDIVIDUAL PLEADS GUILTY OR NOLO CONTENDERE TO OR IS
14 CONVICTED OF:

15 (I) A FELONY; OR

16 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
17 AND QUALIFICATION OF THE APPLICANT OR INDIVIDUAL TO BE CERTIFIED AS A
18 SECURITY GUARD.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1999.