

SENATE BILL 443

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C2

1999 Regular Session  
(9lr2226)

**ENROLLED BILL**  
*-- Judicial Proceedings/Economic Matters --*

Introduced by **Senator Ruben**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

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)

1 BY adding to  
2 Article - Business Occupations and Professions  
3 Section 19-404.1  
4 Annotated Code of Maryland  
5 (1995 Replacement Volume and 1998 Supplement)

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

8 **Article - Business Occupations and Professions**

9 19-402.

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

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

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

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

15 [(3)] (4) submit to the licensed security guard agency, for forwarding to  
16 the Secretary:

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

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

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

21 [(4)] (5) pay to the licensed security guard agency, for forwarding to the  
22 Secretary, the cost of the fingerprint card record checks.

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

26 19-404.1.

27 (A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF THE  
28 CERTIFICATIONS.

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

31 (C) AT LEAST ~~4 MONTH~~ 90 DAYS BEFORE A CERTIFICATION EXPIRES, THE  
32 ~~SECRETARY APPLICANT~~ SHALL MAIL TO THE ~~INDIVIDUAL, AT THE LAST KNOWN~~  
33 ~~ADDRESS OF THE INDIVIDUAL~~ SECRETARY:

- 1 (1) A RENEWAL APPLICATION FORM; ~~AND~~
- 2 (2) ~~A NOTICE THAT STATES:~~
- 3 (I) ~~THE DATE ON WHICH THE CURRENT CERTIFICATION EXPIRES;~~
- 4 (II) ~~THAT THE SECRETARY MUST RECEIVE THE RENEWAL~~  
5 ~~APPLICATION AT LEAST 15 DAYS BEFORE THE CERTIFICATION EXPIRATION DATE,~~  
6 ~~FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE CERTIFICATION~~  
7 ~~EXPIRES;~~
- 8 (III) (2) THE AMOUNT OF THE RENEWAL FEE; AND
- 9 (IV) (3) THE AMOUNT OF ANY LATE FEE, AS DETERMINED BY THE  
10 SECRETARY; AND,
- 11 (V) ~~THAT THE SUBMISSION OF A FALSE STATEMENT IN THE~~  
12 ~~RENEWAL APPLICATION IS CAUSE FOR REVOCATION OF THE CERTIFICATION.~~
- 13 (D) AN INDIVIDUAL PERIODICALLY MAY RENEW THE CERTIFICATION FOR AN  
14 ADDITIONAL 3-YEAR TERM, IF THE INDIVIDUAL:
- 15 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;
- 16 (2) PAYS TO THE SECRETARY:
- 17 (I) ~~A RENEWAL FEE OF \$39 WHICH INCLUDES A FINGERPRINT~~  
18 ~~CHECK BY THE FEDERAL BUREAU OF INVESTIGATION; AND~~
- 19 (II) \$15 \$10;
- 20 (II) PAYMENT FOR THE COST OF A FINGERPRINT CARD RECORD  
21 CHECK BY THE FEDERAL BUREAU OF INVESTIGATION; AND
- 22 (III) ANY LATE FEE REQUIRED UNDER THIS SUBTITLE; AND
- 23 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE  
24 FORM THAT THE SECRETARY PROVIDES.
- 25 (E) (1) THE SECRETARY SHALL RENEW THE CERTIFICATION OF EACH  
26 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.
- 27 (2) WITHIN 5 DAYS AFTER THE SECRETARY REFUSES TO RENEW THE  
28 CERTIFICATION OF AN INDIVIDUAL AS A SECURITY GUARD, THE SECRETARY SHALL  
29 SEND WRITTEN NOTICE OF THE REFUSAL TO THE INDIVIDUAL WHO SUBMITTED THE  
30 RENEWAL APPLICATION.

1 19-405.

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

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

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

9 (3) The certification card shall contain:

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

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

13 1. identify the individual; or

14 2. specify the authority of the individual; AND

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

16 19-408.

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

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

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

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

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

30 (I) A FELONY; OR

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

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