

SENATE BILL 443

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1999 Regular Session  
9r2226  
CF 9r1636

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By: **Senator Ruben**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 1999

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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)

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

1 **Article - Business Occupations and Professions**

2 19-402.

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

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

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

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

8 [(3)] (4) submit to the licensed security guard agency, for forwarding to  
9 the Secretary:

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

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

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

14 [(4)] (5) pay to the licensed security guard agency, for forwarding to the  
15 Secretary, the cost of the fingerprint card record checks.

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

19 19-404.1.

20 (A) BY REGULATION, THE SECRETARY SHALL STAGGER THE TERMS OF THE  
21 CERTIFICATIONS.

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

24 (C) AT LEAST ~~1 MONTH~~ 90 DAYS BEFORE A CERTIFICATION EXPIRES, THE  
25 ~~SECRETARY APPLICANT~~ SECRETARY SHALL MAIL TO THE ~~INDIVIDUAL, AT THE LAST KNOWN~~  
26 ~~ADDRESS OF THE INDIVIDUAL~~ SECRETARY:

27 (1) A RENEWAL APPLICATION FORM; ~~AND~~

28 ~~(2) A NOTICE THAT STATES:~~

29 ~~(i) THE DATE ON WHICH THE CURRENT CERTIFICATION EXPIRES;~~

30 ~~(ii) THAT THE SECRETARY MUST RECEIVE THE RENEWAL~~  
31 ~~APPLICATION AT LEAST 15 DAYS BEFORE THE CERTIFICATION EXPIRATION DATE;~~

1 ~~FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE CERTIFICATION~~  
 2 ~~EXPIRES;~~

3 ~~(III)~~ (2) THE AMOUNT OF THE RENEWAL FEE; AND

4 ~~(IV)~~ (3) THE AMOUNT OF ANY LATE FEE, AS DETERMINED BY THE  
 5 SECRETARY; AND.

6 ~~(V)~~ THAT THE SUBMISSION OF A FALSE STATEMENT IN THE  
 7 RENEWAL APPLICATION IS CAUSE FOR REVOCATION OF THE CERTIFICATION.

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

10 (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

11 (2) PAYS TO THE SECRETARY:

12 (I) A RENEWAL FEE OF \$39 WHICH INCLUDES A FINGERPRINT  
 13 CHECK BY THE FEDERAL BUREAU OF INVESTIGATION; AND

14 ~~(H)~~ \$15;

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

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

18 (3) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON THE  
 19 FORM THAT THE SECRETARY PROVIDES.

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

22 (2) WITHIN 5 DAYS AFTER THE SECRETARY REFUSES TO RENEW THE  
 23 CERTIFICATION OF AN INDIVIDUAL AS A SECURITY GUARD, THE SECRETARY SHALL  
 24 SEND WRITTEN NOTICE OF THE REFUSAL TO THE INDIVIDUAL WHO SUBMITTED THE  
 25 RENEWAL APPLICATION.

26 19-405.

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

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

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

1 (3) The certification card shall contain:

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

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

5 1. identify the individual; or

6 2. specify the authority of the individual; AND

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

8 19-408.

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

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

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

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

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

22 (I) A FELONY; OR

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

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

