
By: **Chairman, Economic Matters Committee (Departmental - State Police)**

Introduced and read first time: January 23, 2001

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER _____

1 AN ACT concerning

2 **Private Detectives, Security Guards, and Security Systems Technicians -**
3 **Licensing - Fines**

4 FOR the purpose of ~~authorizing~~ requiring the Secretary of the State Police to adopt
5 regulations to establish certain fines that may be assessed under certain
6 circumstances; requiring certain persons to be licensed as private detectives,
7 security guards, or security systems technicians by the Secretary of the State
8 Police before soliciting ~~for~~ to engage in certain business; requiring certain
9 ~~persons to be licensed as private detectives, security guards, or security systems~~
10 ~~technicians by the Secretary of State Police before engaging~~ individuals to be
11 certified as private detectives by the Secretary before soliciting to engage in
12 certain business; requiring certain individuals to be registered as security
13 systems technicians by the Secretary before soliciting to engage in certain
14 business; prohibiting an individual from providing, attempting to provide,
15 offering to provide, or soliciting to provide security guard services in the State
16 unless certified as a security guard by the Secretary; clarifying language
17 requiring certain training to be approved and recognized by the Maryland Police
18 Training Commission; authorizing the Secretary of the State Police to ~~issue~~
19 ~~assess~~ assess fines under certain circumstances to private detectives, security guards,
20 or security systems technicians; limiting the authority of the Secretary to assess
21 fines under certain circumstances; authorizing the Secretary of the State Police
22 to ~~issue~~ charge late fees under certain circumstances; requiring certain persons
23 to pay certain fines by a certain date under certain circumstances; authorizing
24 private detectives, security guards, or security systems technicians to request a
25 hearing under certain circumstances; making stylistic changes; and generally
26 relating to private detectives, security guards, and security systems technicians
27 and the regulatory authority of the Secretary of the State Police.

1 BY repealing and reenacting, with amendments,
2 Article - Business Occupations and Professions
3 Section 13-202, 13-301, 13-303, 13-313, 13-409, 13-701, 13-707, 18-301,
4 18-307, 18-309, 18-3A-09, 18-402, 18-501, 18-504, 19-202, 19-301,
5 19-303, 19-313, 19-408, 19-601, and 19-607
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2000 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article - Business Occupations and Professions
10 Section 13-315, 13-411, 18-310, 18-311, 18-3A-10, 18-3A-11, 19-315, and
11 19-410
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2000 Supplement)

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

16 **Article - Business Occupations and Professions**

17 13-202.

18 (a) In addition to any powers set forth elsewhere, the Secretary may:

19 (1) adopt regulations to carry out this title;

20 (2) use any member of the Department of State Police, as necessary, to
21 carry out and enforce this title; {and}

22 (3) make inquiries and conduct an investigation regarding any
23 applicant:

24 (i) for a license; or

25 (ii) for employment with a licensee as a private detective; ~~AND~~

26 ~~(4) ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE~~
27 ~~WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 13-313 AND 13-409 OF THIS~~
28 ~~TITLE.~~

29 (b) In addition to any duties set forth elsewhere, the Secretary shall:

30 (1) adopt regulations that set standards for the certification of employees
31 of private detective agencies as private detectives; ~~and~~

32 (2) keep a roster of the individuals certified as private detectives under
33 this title, including on the roster:

34 (i) the names of individuals certified;

1 (ii) the name of the licensed private detective agency with or by
2 which each individual is associated or employed; and

3 (iii) any other information that the Secretary considers appropriate;
4 AND

5 (3) ADOPT BY REGULATION A SCHEDULE OF FINES FOR VIOLATIONS OF
6 THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER §§ 13-313 AND 13-409
7 OF THIS TITLE.

8 13-301.

9 (a) Except as otherwise provided in this title, a person shall be licensed by the
10 Secretary as a private detective agency before the person may [conduct a business
11 that provides private detective services in the State]:

12 (1) CONDUCT A BUSINESS THAT PROVIDES PRIVATE DETECTIVE
13 SERVICES IN THE STATE; AND

14 (2) ~~SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING TO ENGAGE~~
15 IN A BUSINESS THAT PROVIDES PRIVATE DETECTIVE SERVICES IN THE STATE.

16 (b) An individual or a firm may qualify for a license as a private detective
17 agency.

18 13-303.

19 (a) In this section, "organized police agency" means:

20 (1) a police department of the State or of a county or municipal
21 corporation of the State;

22 (2) a private police department that is allowed to enroll its officers in
23 approved MARYLAND Police Training Commission schools and academies; or

24 (3) a law enforcement agency of the United States, of any state, or of any
25 county or municipal corporation of any state.

26 (b) An individual applicant or, if the applicant is a firm, the representative
27 member shall have:

28 (1) at least 5 years of experience as a full-time certified or licensed
29 private detective;

30 (2) at least:

31 (i) 5 years of experience as a full-time police officer with an
32 organized police agency; and

1 (ii) completed successfully [the] A police officer training course [of
2 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
3 Commission;

4 (3) at least 3 years of experience in an investigative capacity as a
5 detective while serving as a police officer with an organized police agency;

6 (4) at least:

7 (i) 3 years of experience in an investigative capacity in any unit of
8 the United States, of the State, or of a county or municipal corporation of the State for
9 the purpose of law enforcement; and

10 (ii) completed successfully the police officer training required by
11 the MARYLAND Police Training Commission; or

12 (5) at least:

13 (i) 5 years of experience as a full-time fire investigator for a fire
14 department or law enforcement agency of the State or of a county or municipal
15 corporation of the State; and

16 (ii) completed successfully the training certified by the MARYLAND
17 Police Training Commission or the Maryland Fire-Rescue Education and Training
18 Commission.

19 13-313.

20 (a) Subject to the hearing provisions of § 13-315 of this subtitle, the Secretary
21 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR
22 AGENCY, or suspend or revoke a license if the applicant or licensee:

23 (1) fraudulently or deceptively obtains or attempts to obtain a license for
24 the applicant or licensee or for another;

25 (2) fraudulently or deceptively uses a license;

26 (3) aids an individual to obtain or to attempt to obtain fraudulently or
27 deceptively certification under this title as a private detective;

28 (4) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a
29 business providing private detective services in the State;

30 (5) while not licensed, willfully advertises:

31 (i) as a private detective agency; or

32 (ii) the provision of private detective services;

33 (6) willfully makes a false statement or misrepresentation that an
34 individual is or was in the employ of the applicant or licensee;

1 (7) willfully makes a false statement or misrepresentation in any
2 renewal application, in any annual statement, or in any other report or document that
3 the Secretary requires to be submitted;

4 (8) fails to notify the Secretary about any change among the firm
5 members or in the address of the principal office or any branch office of a licensee;

6 (9) fails to maintain a bond as required by § 13-603 of this title;

7 (10) fails to maintain the liability insurance required under § 13-604 of
8 this title; or

9 (11) violates any ~~PROVISION OF ARTICLE 27 OR~~ other provision of this
10 title.

11 (b) For purposes of this section, an act or omission of any principal, agent, or
12 employee of an applicant or licensee may be construed to be the act or omission of the
13 applicant or licensee, as well as of the principal, agent, or employee.

14 13-315.

15 (a) Except as otherwise provided in § 10-226 of the State Government Article,
16 before the Secretary takes any final action under § 13-313 of this subtitle, the
17 Secretary shall give the person against whom the action is contemplated an
18 opportunity for a hearing before the Secretary.

19 (b) The Secretary shall give notice and hold the hearing in accordance with
20 Title 10, Subtitle 2 of the State Government Article.

21 (c) The Secretary may administer oaths in connection with any proceeding
22 under this section.

23 (d) The hearing notice to be given to the person shall be written and sent at
24 least 10 days before the hearing.

25 (e) The person may be represented at the hearing by counsel.

26 (f) If, after due notice, the person against whom the action is contemplated
27 fails or refuses to appear, nevertheless the Secretary may hear and determine the
28 matter.

29 13-409.

30 Subject to the hearing provisions of § 13-411 of this subtitle, the Secretary may
31 deny certification as a private detective to any applicant, reprimand OR FINE any
32 individual certified as a private detective, or suspend or revoke the certification of an
33 individual:

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

1 (2) if the applicant or individual fraudulently or deceptively obtains or
2 attempts to obtain certification as a private detective for the applicant or individual
3 or for another; or

4 (3) if the applicant or individual fails to maintain the standards set by
5 the Secretary for certification as a private detective.

6 13-411.

7 (a) Except as otherwise provided in § 10-226 of the State Government Article,
8 before the Secretary takes any final action under § 13-409 of this subtitle, the
9 Secretary shall give the individual against whom the action is contemplated an
10 opportunity for a hearing before the Secretary.

11 (b) The Secretary shall give notice and hold the hearing in accordance with
12 Title 10, Subtitle 2 of the State Government Article.

13 (c) The Secretary may administer oaths in connection with any proceeding
14 under this section.

15 (d) The hearing notice to be given to the individual shall be written and sent
16 at least 10 days before the hearing.

17 (e) The individual may be represented at the hearing by counsel.

18 (f) If, after due notice, the individual against whom the action is
19 contemplated fails or refuses to appear, nevertheless the Secretary may hear and
20 determine the matter.

21 13-701.

22 (a) A person may not engage in, attempt to engage in, [or] offer to engage in,
23 OR SOLICIT TO ENGAGE IN a business for the purpose of providing private detective
24 services in the State unless licensed as a private detective agency by the Secretary.

25 (b) An individual may not provide, attempt to provide, [or] offer to provide,
26 OR SOLICIT TO PROVIDE private detective services in the State unless certified as a
27 private detective by the Secretary.

28 13-707.

29 (A) A person who violates any provision of this title is guilty of a misdemeanor
30 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not
31 exceeding 1 year or both.

32 (B) THE FINES ASSESSED UNDER §§ 13-313 AND 13-409 OF THIS TITLE MAY
33 NOT EXCEED \$5,000 PER VIOLATION, OR A MAXIMUM AGGREGATE OF \$10,000 FOR A
34 2-YEAR LICENSE TERM, AND SHALL BE PAID TO THE SECRETARY WITHIN 10 DAYS
35 AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF ANY
36 HEARING.

1 (C) NOTWITHSTANDING THE PROVISIONS OF §§ 13-313 AND 13-409 OF THIS
2 TITLE, THE SECRETARY MAY FINE EITHER THE LICENSED AGENCY OR THE
3 CERTIFIED INDIVIDUAL WORKING ON BEHALF OF THE LICENSED AGENCY, BUT NOT
4 BOTH, FOR THE SAME VIOLATION.

5 18-301.

6 Except as otherwise provided in this title, a person may not engage, OR SOLICIT
7 TO ENGAGE, in the business of providing security systems services in the State unless
8 the person obtains a license and meets the requirements of § 18-401 of this title.

9 18-307.

10 (a) Unless a license is renewed for a 2-year term as provided in this section,
11 the license expires on the first April 1 that comes:

12 (1) after the effective date of the license; and

13 (2) in an odd-numbered year.

14 (b) At least 1 month before a license expires, the Secretary shall mail to the
15 licensee, at the last known address of the licensee:

16 (1) a renewal application form; and

17 (2) a notice that states:

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

19 [(ii) the date by which the Secretary must receive the renewal
20 application for the renewal to be issued and mailed before the license expires; and]

21 (II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL
22 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS AT LEAST 15 DAYS BEFORE
23 THE LICENSE EXPIRATION DATE FOR THE RENEWAL TO BE ISSUED AND MAILED
24 BEFORE THE LICENSE EXPIRES;

25 (iii) the amount of the renewal fee;

26 (IV) THAT, IF THE RENEWAL APPLICATION AND ALL REQUIRED
27 FEES AND DOCUMENTS ARE NOT RECEIVED AT LEAST 15 DAYS BEFORE THE LICENSE
28 EXPIRATION DATE, THE LICENSEE SHALL BE ~~ASSESSED~~ CHARGED A FEE OF \$10 PER
29 DAY UNTIL THE COMPLETE RENEWAL APPLICATION AND FEES ARE RECEIVED; AND

30 (V) THAT, IF THE LICENSEE FAILS TO SUBMIT THE RENEWAL
31 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS BY THE EXPIRATION DATE
32 OF THE LICENSE, THE LICENSEE SHALL BE CONSIDERED CLOSED AND MAY NOT
33 CONDUCT BUSINESS.

34 (c) (1) Before the license expires, the licensee periodically may renew it for
35 an additional 2-year term, if the licensee:

1 [(1)] (I) otherwise is entitled to be licensed;

2 [(2)] (II) pays to the Secretary a renewal fee of \$100 which shall include
3 the cost of the Maryland and national criminal records check or the fee provided in
4 subsection (e) of this section, if applicable; and

5 [(3)] (III) submits to the Secretary:

6 [(i)] 1. a renewal application on the form that the Secretary
7 provides;

8 [(ii) 1.] 2. A. a set of legible fingerprints of the licensee on
9 forms approved by the Criminal Justice Information System Central Repository and
10 the Director of the Federal Bureau of Investigation; or

11 [2.] B. if the licensee is a firm, a set of legible fingerprints
12 for each firm member as required under item 1 of this subparagraph; [and]

13 [(iii)] 3. satisfactory evidence of compliance with any other
14 requirements set under this section for license renewal; AND

15 4. ANY LATE FEE REQUIRED UNDER THIS SECTION.

16 [(4)] (2) If the licensee is a firm, the licensee shall pay the cost of the
17 fingerprint card records check for each firm member.

18 (d) Except as provided in subsection (e) of this section, before renewing a
19 license, the Secretary shall conduct a State and national criminal records check for
20 each licensee, or each firm member if the applicant is a firm, who applies for a
21 renewal of a license.

22 (e) The Secretary may waive the State and national criminal records check
23 required under subsection (d) of this section for a licensee who was issued a license
24 under § 18-303(g) of this subtitle if the licensee:

25 (1) provides adequate evidence that:

26 (i) the license of the licensee issued by another state was renewed
27 by that other state within 1 year of the expiration date of the license issued under this
28 subtitle; and

29 (ii) the renewal occurred after the licensee submitted to a state and
30 national criminal records check; and

31 (2) pays to the Secretary a processing fee of \$100.

32 (f) If the State and national criminal records check required under subsection
33 (d) of this section is not completed before a license expires, the Secretary shall issue a
34 temporary license to a licensee who otherwise meets the requirements of this section.

1 (g) A temporary license issued under subsection (f) of this section shall expire
2 at the earlier of:

3 (1) the completion of the State and national criminal records check of the
4 licensee; or

5 (2) the renewal or the denial of the license.

6 (H) IF THE SECRETARY DOES NOT RECEIVE THE RENEWAL APPLICATION AND
7 ALL FEES AND DOCUMENTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AT
8 LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE, THE SECRETARY SHALL
9 CHARGE THE LICENSEE A LATE FEE OF \$10 PER DAY UNTIL THE RENEWAL
10 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS ARE RECEIVED.

11 [(h)] (I) The Secretary shall renew the license of each licensee who meets the
12 requirements of this section.

13 18-309.

14 Subject to the hearing provisions of § 18-310 of this subtitle, the Secretary may
15 deny a license to any applicant, reprimand any licensee, FINE A LICENSEE, or
16 suspend or revoke a license if the applicant or licensee, or a firm member or employee
17 of an applicant or licensee that is a firm:

18 (1) fraudulently or deceptively obtains or attempts to obtain a license for
19 the applicant or licensee or for another;

20 (2) fraudulently or deceptively uses a license;

21 (3) has a similar license denied, suspended, or revoked in another
22 jurisdiction;

23 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft
24 offense, or crime of moral turpitude;

25 (5) aids an individual in obtaining or attempting to obtain fraudulently
26 or deceptively licensure under this title as a security systems technician;

27 (6) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a
28 business providing security systems services;

29 (7) while not licensed, willfully advertises as a security systems
30 technician;

31 (8) willfully makes a false statement or misrepresentation in any
32 renewal application or in any other document that the Secretary requires to be
33 submitted; or

34 (9) violates any other provision of this title.

1 18-310.

2 (a) Before the Secretary takes any final action under § 18-309 of this subtitle,
3 the Secretary shall give the person against whom the action is contemplated an
4 opportunity for a hearing before the Secretary.

5 (b) The Secretary shall give notice and hold the hearing in accordance with
6 Title 10, Subtitle 2 of the State Government Article.

7 (c) The hearing notice to be given to the person shall be sent by certified mail
8 to the last known address of the person at least 10 business days before the hearing.

9 (d) The Secretary may administer oaths in connection with any proceeding
10 under this section.

11 (e) The person may be represented at the hearing by counsel.

12 (f) If, after due notice, the person against whom the action is contemplated
13 fails or refuses to appear, nevertheless, the Secretary may hear and determine the
14 matter.

15 18-311.

16 Any person aggrieved by a final decision of the Secretary in a contested case, as
17 defined in § 10-202 of the State Government Article, may take an appeal as allowed
18 in Title 10, Subtitle 2 of the State Government Article.

19 18-3A-09.

20 Subject to the hearing provisions of § 18-3A-10 of this subtitle, the Secretary
21 may deny registration to any applicant, reprimand any registrant, FINE ANY
22 REGISTRANT, or suspend or revoke a registration if the applicant or registrant:

23 (1) fraudulently or deceptively obtains or attempts to obtain a
24 registration for the applicant or registrant or for another;

25 (2) fraudulently or deceptively uses a registration;

26 (3) has a similar license or registration denied, suspended, or revoked in
27 another jurisdiction;

28 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft
29 offense, or crime of moral turpitude;

30 (5) aids an individual in obtaining or attempting to obtain fraudulently
31 or deceptively registration under this title;

32 (6) while not registered as a security systems technician and employed
33 by or under contract with a security systems agency licensed under this title,
34 SOLICITS TO ENGAGE IN OR willfully engages in personally providing security
35 systems services;

1 (7) while not registered as a security systems technician and employed
2 by or under contract with a security systems agency licensed under this title, willfully
3 advertises as a security systems technician;

4 (8) willfully makes a false statement or misrepresentation in any
5 renewal application or in any other document that the Secretary requires to be
6 submitted; or

7 (9) violates any other provision of this title.

8 18-3A-10.

9 (a) Before the Secretary takes any final action under § 18-3A-09 of this
10 subtitle, the Secretary shall give the individual against whom the action is
11 contemplated an opportunity for either:

12 (1) a hearing before the Secretary; or

13 (2) a hearing before an advisory panel consisting of the following
14 members appointed by the Secretary:

15 (i) a member of the Department of State Police;

16 (ii) a representative of the security systems industry; and

17 (iii) three members representing consumers.

18 (b) The Secretary or the advisory panel shall give notice and hold the hearing
19 in accordance with Title 10, Subtitle 2 of the State Government Article.

20 (c) The hearing notice to be given to the individual shall be sent by certified
21 mail to the last known address of the individual at least 10 business days before the
22 hearing.

23 (d) The Secretary or the advisory panel may administer oaths in connection
24 with any proceeding under this section.

25 (e) The individual may be represented at the hearing by counsel.

26 (f) If, after due notice, the individual against whom the action is
27 contemplated fails or refuses to appear, the Secretary or the advisory panel may,
28 nevertheless, hear and determine the matter.

29 18-3A-11.

30 Any person aggrieved by a final decision of the Secretary in a contested case, as
31 defined in § 10-202 of the State Government Article, may take an appeal as allowed
32 in Title 10, Subtitle 2 of the State Government Article.

1 18-402.

2 The Department of State Police shall adopt regulations necessary to effectuate
3 and enforce this subtitle. THE REGULATIONS SHALL INCLUDE A SCHEDULE OF FINES
4 FOR VIOLATIONS OF THIS SUBTITLE ~~WHICH THAT~~ MAY BE ASSESSED BY THE
5 SECRETARY UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE.

6 18-501.

7 A person may not engage, attempt to engage, [or] offer to engage, OR SOLICIT
8 TO ENGAGE in a business of providing security systems services in the State unless
9 licensed by the Secretary.

10 18-504.

11 (A) A person who violates any provision of this title is guilty of a misdemeanor
12 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not
13 exceeding 1 year or both.

14 (B) THE FINES ASSESSED UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE MAY
15 NOT EXCEED \$5,000 PER VIOLATION AND SHALL BE PAID TO THE SECRETARY WITHIN
16 10 DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR THE WAIVER OF ANY
17 HEARING.

18 19-202.

19 (a) In addition to any powers set forth elsewhere, the Secretary may:

20 (1) adopt regulations to carry out this title;

21 (2) use any member of the Department of State Police, as necessary, to
22 carry out and enforce this title; {and}

23 (3) make inquiries and conduct an investigation regarding any
24 applicant:

25 (i) for a license; or

26 (ii) for employment with a licensee as a security guard; ~~AND~~

27 ~~(4) ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE~~
28 ~~WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 19-313 AND 19-408 OF THIS~~
29 ~~TITLE.~~

30 (b) In addition to any duties set forth elsewhere, the Secretary shall:

31 (1) adopt regulations that set standards for the certification of employees
32 of security guard agencies as security guards; ~~and~~

33 (2) keep a roster of the individuals certified as security guards under
34 this title, including on the roster:

- 1 (i) the names of individuals certified;
- 2 (ii) the name of the licensed security guard agency with or by which
- 3 each individual is associated or employed; and
- 4 (iii) any other information that the Secretary considers appropriate;

5 AND

6 (3) ADOPT BY REGULATION A SCHEDULE OF FINES FOR VIOLATIONS OF

7 THIS TITLE THAT MAY BE ASSESSED BY THE SECRETARY UNDER §§ 19-313 AND 19-408

8 OF THIS TITLE.

9 19-301.

- 10 (a) Except as otherwise provided in this title, a person shall be licensed by the
- 11 Secretary as a security guard agency before the person may [conduct a business that
- 12 provides security guard services in the State]:

13 (1) CONDUCT A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES

14 IN THE STATE; AND

15 (2) ~~SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING TO ENGAGE~~

16 IN A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES IN THE STATE.

- 17 (b) An individual or a firm may qualify for a license as a security guard
- 18 agency.

19 19-303.

- 20 (a) In this section, "organized police agency" means:

21 (1) a police department of the State or of a county or municipal

22 corporation of the State;

23 (2) a private police department that is allowed to enroll its officers in

24 approved MARYLAND Police Training Commission schools and academies; or

25 (3) a law enforcement agency of the United States, of any state, or of any

26 county or municipal corporation of any state.

- 27 (b) An individual applicant or, if the applicant is a firm, the representative
- 28 member shall have:

29 (1) at least 5 years experience as a full-time private detective certified

30 under Title 13 of this article;

31 (2) at least:

- 32 (i) 5 years of experience as a full-time police officer with an
- 33 organized police agency; and

1 (ii) completed successfully [the] A police officer training course [of
2 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
3 Commission;

4 (3) at least 3 years of experience in an investigative capacity as a
5 detective while serving as a police officer with an organized police agency;

6 (4) at least:

7 (i) 3 years of experience in an investigative capacity in any unit of
8 the United States, of the State, or of a county or municipal corporation of the State for
9 the purpose of law enforcement; and

10 (ii) completed successfully the police officer training [required by
11 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
12 Commission; or

13 (5) at least:

14 (i) 5 years of experience as a full-time fire investigator for a fire
15 department or law enforcement agency of the State or of a county or municipal
16 corporation of the State; and

17 (ii) completed successfully the training certified by the MARYLAND
18 Police Training Commission or the Maryland Fire-Rescue Education and Training
19 Commission.

20 19-313.

21 (a) Subject to the hearing provisions of § 19-315 of this subtitle, the Secretary
22 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR
23 AGENCY, or suspend or revoke a license if the applicant or licensee:

24 (1) fraudulently or deceptively obtains or attempts to obtain a license for
25 the applicant or licensee or for another;

26 (2) fraudulently or deceptively uses a license;

27 (3) aids an individual to obtain or to attempt to obtain fraudulently or
28 deceptively certification under this title as a security guard;

29 (4) while not licensed, SOLICITS TO ENGAGE IN OR willfully engages in a
30 business providing security guard services in the State;

31 (5) while not licensed, willfully advertises:

32 (i) as a security guard agency; or

33 (ii) the provision of security guard services;

1 (6) willfully makes a false statement or misrepresentation that an
2 individual is or was in the employ of the applicant or licensee;

3 (7) willfully makes a false statement or misrepresentation in any
4 renewal application, in any annual statement, or in any other report or document that
5 the Secretary requires to be submitted;

6 (8) fails to notify the Secretary about any change among the firm
7 members or in the address of the principal office or any branch office of a licensee;

8 (9) fails to maintain a bond as required by § 19-503 of this title;

9 (10) fails to maintain the liability insurance required under § 19-504 of
10 this title; or

11 (11) violates any ~~PROVISION OF ARTICLE 27 OR~~ other provision of this
12 title.

13 (b) For purposes of this section, an act or omission of any principal, agent, or
14 employee of an applicant or licensee may be construed to be the act or omission of the
15 applicant or licensee, as well as of the principal, agent, or employee.

16 19-315.

17 (a) Except as otherwise provided in § 10-226 of the State Government Article,
18 before the Secretary takes any final action under § 19-313 of this subtitle, the
19 Secretary shall give the person against whom the action is contemplated an
20 opportunity for a hearing before the Secretary.

21 (b) The Secretary shall give notice and hold the hearing in accordance with
22 Title 10, Subtitle 2 of the State Government Article.

23 (c) The Secretary may administer oaths in connection with any proceeding
24 under this section.

25 (d) The hearing notice to be given to the person shall be written and sent at
26 least 10 days before the hearing.

27 (e) The person may be represented at the hearing by counsel.

28 (f) If, after due notice, the person against whom the action is contemplated
29 fails or refuses to appear, nevertheless the Secretary may hear and determine the
30 matter.

31 19-408.

32 Subject to the hearing provisions of § 19-410 of this subtitle, the Secretary may
33 deny certification as a security guard to any applicant, reprimand OR FINE any
34 individual certified as a security guard, or suspend, revoke, or refuse to renew the
35 certification of an individual:

- 1 (1) for any applicable ground under § 19-313 of this title;
- 2 (2) if the applicant or individual fraudulently or deceptively obtains or
3 attempts to obtain certification as a security guard for the applicant or individual or
4 for another;
- 5 (3) if the applicant or individual fails to maintain the standards set by
6 the Secretary for certification as a security guard; or
- 7 (4) if, under the laws of the United States or of any state, the applicant
8 or individual pleads guilty or nolo contendere to or is convicted of:
- 9 (i) a felony; or
- 10 (ii) a misdemeanor that is directly related to the fitness and
11 qualification of the applicant or individual to be certified as a security guard.

12 19-410.

13 (a) Except as otherwise provided in § 10-226 of the State Government Article,
14 before the Secretary takes any final action under § 19-408 of this subtitle, the
15 Secretary shall give the individual against whom the action is contemplated an
16 opportunity for a hearing before the Secretary.

17 (b) The Secretary shall give notice and hold the hearing in accordance with
18 Title 10, Subtitle 2 of the State Government Article.

19 (c) The Secretary may administer oaths in connection with any proceeding
20 under this section.

21 (d) The hearing notice to be given to the individual shall be written and sent
22 at least 10 days before the hearing.

23 (e) The individual may be represented at the hearing by counsel.

24 (f) If, after due notice, the individual against whom the action is
25 contemplated fails or refuses to appear, nevertheless the Secretary may hear and
26 determine the matter.

27 19-601.

28 (A) A person may not engage in, attempt to engage in, [or] offer to engage in,
29 OR SOLICIT TO ENGAGE IN the business of providing security guards for hire in the
30 State unless licensed as a security guard agency by the Secretary.

31 (B) AN INDIVIDUAL MAY NOT PROVIDE, ATTEMPT TO PROVIDE, OFFER TO
32 PROVIDE, OR SOLICIT TO PROVIDE SECURITY GUARD SERVICES IN THE STATE
33 UNLESS CERTIFIED AS A SECURITY GUARD BY THE SECRETARY.

1 19-607.

2 (A) A person who violates any provision of this title is guilty of a misdemeanor
3 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not
4 exceeding 1 year or both.

5 (B) THE FINES ASSESSED UNDER §§ 19-313 AND 19-408 OF THIS TITLE MAY
6 NOT EXCEED \$5,000 PER VIOLATION, OR A MAXIMUM AGGREGATE OF \$10,000 FOR A
7 2-YEAR LICENSE TERM, AND SHALL BE PAID TO THE SECRETARY WITHIN 10 DAYS
8 AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF ANY
9 HEARING.

10 (C) NOTWITHSTANDING THE PROVISIONS OF §§ 19-313 AND 19-408 OF THIS
11 TITLE, THE SECRETARY MAY FINE EITHER THE LICENSED AGENCY OR THE
12 CERTIFIED INDIVIDUAL WORKING ON BEHALF OF THE LICENSED AGENCY, BUT NOT
13 BOTH, FOR THE SAME VIOLATION.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2001.