

HOUSE BILL 1095

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E4

2003 Regular Session  
3r2483  
CF 3r2484

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By: **Delegate Boschert**

Introduced and read first time: February 24, 2003

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Police Training Commission**

3 FOR the purpose of removing the Police Training Commission from the Department  
4 of Public Safety and Correctional Services to become an independent unit in the  
5 Executive Department; repealing certain authority of the Secretary of Public  
6 Safety and Correctional Services; altering provisions relating to the composition  
7 of the Commission and the election of its chairman; providing for the continuity  
8 of the terms of office of certain appointed or elected persons; providing for the  
9 continuity of certain transactions, rights, duties, titles, and interests; providing  
10 for the continuity of the status of certain rules, regulations, and other associated  
11 duties and responsibilities affected by this Act; providing for the continuity of  
12 the Commission and its personnel, records, property, and all appropriations,  
13 credits, assets, liabilities, and obligations; requiring the Governor to continue to  
14 appropriate certain funds to the Commission that were previously budgeted  
15 through the Department of Public Safety and Correctional Services; providing  
16 for the continuity of certain persons and schools certified by the Commission;  
17 and generally relating to the Police Training Commission.

18 BY repealing and reenacting, with amendments,  
19 Article - Correctional Services  
20 Section 2-201  
21 Annotated Code of Maryland  
22 (1999 Volume and 2002 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Public Safety  
25 Section 3-201 through 3-204, inclusive, and 3-206 through 3-208, inclusive  
26 Annotated Code of Maryland  
27 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
28 2003)

29 BY repealing and reenacting, without amendments,  
30 Article - Public Safety  
31 Section 3-205

1 Annotated Code of Maryland  
2 (As enacted by Chapter \_\_\_\_\_ (S.B. 1) of the Acts of the General Assembly of  
3 2003)

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

6 **Article - Correctional Services**

7 2-201.

8 The following units are in the Department:

- 9 (1) the Division of Correction;
- 10 (2) the Division of Parole and Probation;
- 11 (3) the Division of Pretrial Detention and Services;
- 12 (4) the Patuxent Institution;
- 13 (5) the Board of Review for Patuxent Institution;
- 14 (6) the Maryland Commission on Correctional Standards;
- 15 (7) the Correctional Training Commission;
- 16 (8) [the Police Training Commission;
- 17 (9)] the Maryland Parole Commission;
- 18 [(10)] (9) the Criminal Injuries Compensation Board;
- 19 [(11)] (10) the Emergency Number Systems Board;
- 20 [(12)] (11) the Sundry Claims Board;
- 21 [(13)] (12) the Inmate Grievance Office; and
- 22 [(14)] (13) any other unit that by law is declared to be part of the  
23 Department.

24 **Article - Public Safety**

25 3-201.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) "Commission" means the Police Training Commission.

1 (c) ["Department" means the Department of Public Safety and Correctional  
2 Services.

3 (d) (1) "Law enforcement agency" means a governmental police force,  
4 sheriff's office, or security force or law enforcement organization of the State, a  
5 county, or a municipal corporation that by statute, ordinance, or common law is  
6 authorized to enforce the general criminal laws of the State.

7 (2) "Law enforcement agency" does not include members of the Maryland  
8 National Guard who:

9 (i) are under the control and jurisdiction of the Military  
10 Department;

11 (ii) are assigned to the military property designated as the Glenn L.  
12 Martin State Airport; and

13 (iii) are charged with exercising police powers in and for the Glenn  
14 L. Martin State Airport.

15 [(e)] (D) (1) "Police officer" means an individual who:

16 (i) is authorized to enforce the general criminal laws of the State;  
17 and

18 (ii) is a member of one of the following law enforcement agencies:

19 1. the Department of State Police;

20 2. the Police Department of Baltimore City;

21 3. the police department, bureau, or force of a county;

22 4. the police department, bureau, or force of a municipal  
23 corporation;

24 5. the Maryland Transit Administration police force;

25 6. the Maryland Transportation Authority Police;

26 7. the police forces of the University System of Maryland;

27 8. the police force of Morgan State University;

28 9. the office of the sheriff of a county;

29 10. the police forces of the Department of Natural Resources;

30 11. the police force of the Department of General Services;

- 1 12. the police force of a State, county, or municipal corporation
- 2 if the special police officers are appointed under Subtitle 3 of this title;
- 3 13. the Housing Authority of Baltimore City Police Force;
- 4 14. the Baltimore City School Police Force;
- 5 15. the Crofton Police Department;
- 6 16. the police force of the Department of Labor, Licensing, and
- 7 Regulation; or
- 8 17. the Washington Suburban Sanitary Commission Police
- 9 Force.

10 (2) "Police officer" includes:

- 11 (i) a member of the Field Enforcement Division of the
- 12 Comptroller's Office;
- 13 (ii) the State Fire Marshal or a deputy State fire marshal; and
- 14 (iii) an investigator of the Internal Investigative Unit of the
- 15 Department.

16 (3) "Police officer" does not include:

- 17 (i) an individual who serves as a police officer only because the
- 18 individual occupies another office or position;
- 19 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
- 20 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant
- 21 chief of police, or another individual with an equivalent title who is appointed or
- 22 employed by a government to exercise equivalent supervisory authority; or
- 23 (iii) a member of the Maryland National Guard who:
  - 24 1. is under the control and jurisdiction of the Military
  - 25 Department;
  - 26 2. is assigned to the military property designated as the
  - 27 Glenn L. Martin State Airport; and
  - 28 3. is charged with exercising police powers in and for the
  - 29 Glenn L. Martin State Airport.

30 [(f) "Secretary" means the Secretary of Public Safety and Correctional  
31 Services.]

1 3-202.

2 There is a Police Training Commission, WHICH IS AN INDEPENDENT UNIT in the  
3 EXECUTIVE Department.

4 3-203.

5 (a) (1) The Commission consists of [15] 14 members.

6 (2) Of the [15] 14 members of the Commission:

7 (i) one shall be the President of the Maryland Chiefs of Police  
8 Association;

9 (ii) one shall be the President of the Maryland Sheriffs Association;

10 (iii) one shall be the President of the Maryland Law Enforcement  
11 Officers, Inc.;

12 (iv) one shall be the Attorney General of the State;

13 (v) one shall be the Secretary of State Police;

14 (vi) one shall be the Police Commissioner of Baltimore City;

15 (vii) one shall be the Chancellor of the University System of  
16 Maryland;

17 (viii) one shall be the agent in charge of the Baltimore office of the  
18 F.B.I.;

19 (ix) one shall be the President of the Eastern Shore Police  
20 Association;

21 (x) one shall represent the Maryland State Lodge of Fraternal  
22 Order of Police;

23 (xi) [one shall be the Deputy Secretary of Public Safety and  
24 Correctional Services;

25 (xii)] one shall be the Chairman of the Maryland Municipal League  
26 Police Executive Association; and

27 [(xiii)] (XII) three shall be police officials of the State appointed  
28 under subsection (b) of this section.

29 (b) (1) The [Secretary] GOVERNOR shall appoint the three police officials to  
30 be members of the Commission with the [approval of the Governor and the] advice  
31 and consent of the Senate.

1           (2)     The three members appointed under paragraph (1) of this subsection  
2 shall represent different geographic areas of the State.

3     (c)     (1)     The term of a member who is appointed under subsection (b) of this  
4 section is 3 years.

5           (2)     The terms of the members who are appointed under subsection (b) of  
6 this section are staggered as required by the terms provided for members of the  
7 Commission on October 1, 2003.

8           (3)     At the end of a term, a member who is appointed under subsection (b)  
9 of this section continues to serve until a successor is appointed and qualifies.

10          (4)     A member who is appointed after a term has begun serves only for  
11 the remainder of the term and until a successor is appointed and qualifies.

12     (d)     Except for the three members appointed by the [Secretary] GOVERNOR  
13 under subsection (b) of this section, a member of the Commission may serve  
14 personally at a Commission meeting or may designate a representative from the  
15 member's unit, agency, or association who may act at any meeting to the same effect  
16 as if the member were personally present.

17 3-204.

18     [(a)     The Deputy Secretary of Public Safety and Correctional Services or the  
19 Deputy Secretary's representative is the chairman of the Commission.

20     (b)]     The Commission annually shall elect a CHAIRMAN AND vice chairman  
21 from among its members.

22 3-205.

23     (a)     A majority of the Commission is a quorum.

24     (b)     The Commission shall meet in the State at the times that it or its  
25 chairman determines.

26     (c)     A member of the Commission:

27           (1)     may not receive compensation as a member of the Commission; but

28           (2)     is entitled to reimbursement for expenses under the Standard State  
29 Travel Regulations, as provided in the State budget.

30     (d)     The Commission shall:

31           (1)     maintain minutes of its meetings and any other records that it  
32 considers necessary; and

33           (2)     provide information, on request, regarding the budget, activities, and  
34 programs of the Commission.

1 3-206.

2 (a) (1) [With the approval of the Secretary, the] THE Commission shall  
3 appoint an executive director.

4 (2) The executive director shall perform general administrative and  
5 training management functions.

6 (3) The executive director serves at the pleasure of the Commission.

7 (b) (1) [With the approval of the Secretary, the] THE Commission shall  
8 appoint a deputy director and any other employees that the Commission considers  
9 necessary to perform general administrative and training management functions.

10 (2) The deputy director and other employees appointed under paragraph  
11 (1) of this subsection shall serve at the pleasure of the Commission.

12 (c) [With the approval of the Secretary, the] THE Commission shall employ  
13 other individuals as necessary to carry out this subtitle.

14 (d) The executive director, deputy director, and other employees of the  
15 Commission are entitled to receive compensation as established by the Commission in  
16 accordance with the State budget.

17 3-207.

18 [Subject to the authority of the Secretary, the] THE Commission has the  
19 following powers and duties:

20 (1) to establish standards for the approval and continuation of approval  
21 of schools that conduct police entrance-level and in-service training courses required  
22 by the Commission, including State, regional, county, and municipal training schools;

23 (2) to approve and issue certificates of approval to police training  
24 schools;

25 (3) to inspect police training schools;

26 (4) to revoke, for cause, the approval or certificate of approval issued to a  
27 police training school;

28 (5) to establish the following for police training schools:

29 (i) curriculum;

30 (ii) minimum courses of study;

31 (iii) attendance requirements;

32 (iv) eligibility requirements;

- 1 (v) equipment and facilities;
- 2 (vi) standards of operation; and
- 3 (vii) minimum qualifications for instructors;
- 4 (6) to require, for entrance-level police training and at least every 3  
5 years for in-service level police training conducted by the State and each county and  
6 municipal police training school, that the curriculum and minimum courses of study  
7 include special training, attention to, and study of the application and enforcement of  
8 the criminal laws concerning rape and sexual offenses, including:
- 9 (i) the sexual abuse of children;
- 10 (ii) related evidentiary procedures; and
- 11 (iii) the contact with and treatment of victims of these crimes;
- 12 (7) to certify and issue appropriate certificates to qualified instructors  
13 for police training schools authorized by the Commission to offer police training  
14 programs;
- 15 (8) to verify that police officers have satisfactorily completed training  
16 programs and issue diplomas to those police officers;
- 17 (9) to conduct and operate police training schools authorized by the  
18 Commission to offer police training programs;
- 19 (10) to make a continuous study of entrance-level and in-service training  
20 methods and procedures;
- 21 (11) to consult with and accept the cooperation of any recognized federal,  
22 State, or municipal law enforcement agency or educational institution;
- 23 (12) to consult and cooperate with universities, colleges, and institutions  
24 in the State to develop specialized courses of study for police officers in police science  
25 and police administration;
- 26 (13) to consult and cooperate with other agencies and units of the State  
27 concerned with police training; and
- 28 (14) to perform any other act that is necessary or appropriate to carry out  
29 the powers and duties of the Commission under this subtitle.

30 3-208.

31 (a) [Subject to the authority of the Secretary, the] THE Commission has the  
32 following powers and duties:

- 33 (1) to adopt regulations necessary or appropriate to carry out this  
34 subtitle; and



1 (2) to adopt regulations that establish and enforce standards for prior  
2 substance abuse by individuals applying for certification as a police officer.

3 (b) Subject to subsections (c) and (d) of this section, the Commission shall  
4 adopt regulations on or before January 1, 2001, for a certified firearms safety training  
5 course required for an applicant for a regulated firearms purchase, rental, or transfer  
6 made on or after January 1, 2002.

7 (c) The certified firearms safety training course required under subsection (b)  
8 of this section shall:

9 (1) be offered by the Commission; or

10 (2) contain a handgun safety component and be conducted by an  
11 individual or organization certified by:

12 (i) the Commission;

13 (ii) the Department of Natural Resources;

14 (iii) the Department of State Police; or

15 (iv) any reputable organization:

16 1. that has as one of its objectives the promotion of  
17 competency and safety in handling handguns; and

18 2. whose course has been determined by the Commission to  
19 meet the regulations adopted by the Commission.

20 (d) Any course offered by the Commission under subsection (c) of this section:

21 (1) shall be offered free of charge or fee;

22 (2) may not be more than 2 hours in duration;

23 (3) shall be conducted or offered at least once each week in all geographic  
24 areas of the State;

25 (4) shall be available after regular business hours;

26 (5) shall be open to each individual required by law to complete the  
27 firearms safety training course, within 2 weeks after request of the individual;

28 (6) shall only require attendance throughout the duration of the course  
29 in order to complete the course successfully; and

30 (7) may not require any skills or knowledge testing in the use of a  
31 regulated firearm in order to complete the course successfully.

1 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects  
2 the term of office of an appointed or elected member of any board, commission,  
3 committee, or other unit. An individual who is a member of a unit on the effective date  
4 of this Act shall remain a member for the balance of the term to which appointed or  
5 elected unless the member sooner dies, resigns, or is removed under provisions of law.

6 SECTION 3. AND BE IT FURTHER ENACTED, That any transaction affected  
7 by or flowing from any statute here amended, repealed, or transferred, and validly  
8 entered into before the effective date of this Act and every right, duty, or interest  
9 flowing from it remains valid after the effective date and may be terminated,  
10 completed, consummated, or enforced pursuant to law.

11 SECTION 4. AND BE IT FURTHER ENACTED, That any rules and  
12 regulations, standards, guidelines, orders and other directives, forms, plans,  
13 memberships, funds, appropriations, contracts properties, administrative and judicial  
14 proceedings, rights to sue and be sued, and other duties and responsibilities  
15 associated with those functions affected by this Act shall continue in effect until  
16 completed, withdrawn, canceled, modified, or otherwise changed in accordance with  
17 law.

18 SECTION 5. AND BE IT FURTHER ENACTED, That the continuity of the  
19 Police Training Commission is retained. The personnel, records, files, furniture,  
20 fixtures, and other properties and all appropriations, credits, assets, liabilities, and  
21 obligations of the Police Training Commission are continued as the personnel,  
22 records, files, furniture, fixtures, appropriations, credits, assets, liabilities, and  
23 obligations of the Police Training Commission under the laws enacted by this Act.

24 SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall  
25 appropriate general, special, and federal funds that were previously budgeted to the  
26 Police Training Commission through the Department of Public Safety and  
27 Correctional Services to the Police Training Commission.

28 SECTION 7. AND BE IT FURTHER ENACTED, That any person or school  
29 issued a certificate by the Police Training Commission is considered for all purposes  
30 to be continued under this Act for the duration of the term for which the certificate  
31 was issued unless otherwise provided by law.

32 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2003.