

SENATE BILL 737

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2003 Regular Session
3r2484
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By: **Senator Jimeno**
Introduced and read first time: February 27, 2003
Assigned to: Rules

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 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.