
By: **Chairman, Judicial Proceedings Committee (By Request -
Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 20, 2005

Rules suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Police Training Commission - Suspension and Revocation of**
3 **Certification**

4 FOR the purpose of altering the criteria for suspending or revoking a police officer's
5 certification; authorizing the Executive Director of the Police Training
6 Commission to temporarily suspend the certification of a police officer under
7 certain circumstances; requiring that certain revocation hearings be conducted
8 by a certain number of Commission members; requiring that a police officer be
9 granted an opportunity for a hearing under certain circumstances; providing for
10 the construction of certain provisions of this Act; repealing a requirement that a
11 certain period of time must pass before a police officer may apply to the
12 Commission to recertify the police officer under certain circumstances; making
13 stylistic and clarifying changes; and generally relating to certification of police
14 officers.

15 BY repealing and reenacting, with amendments,
16 Article - Public Safety
17 Section 3-212 and 3-214
18 Annotated Code of Maryland
19 (2003 Volume and 2004 Supplement)

20 BY repealing
21 Article - Public Safety
22 Section 3-213
23 Annotated Code of Maryland
24 (2003 Volume and 2004 Supplement)

25 BY adding to
26 Article - Public Safety
27 Section 3-213
28 Annotated Code of Maryland

1 (2003 Volume and 2004 Supplement)

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

4 **Article - Public Safety**

5 3-212.

6 (a) Subject to the hearing provisions of subsection (b) of this section, the
7 Commission may [suspend or] revoke the certification of a police officer if [the police
8 officer]:

9 (1) THE POLICE OFFICER:

10 (I) violates or fails to meet the Commission's standards; [or

11 (2)] (II) knowingly fails to report suspected child abuse in violation of §
12 5-704 of the Family Law Article;

13 (III) HAS BEEN CONVICTED OF A FELONY; OR

14 (IV) HAS BEEN CONVICTED OF A MISDEMEANOR FOR WHICH A
15 SENTENCE OF IMPRISONMENT EXCEEDING 1 YEAR MAY BE IMPOSED; OR

16 (2) THE CERTIFICATE WAS:

17 (I) ISSUED BY ADMINISTRATIVE ERROR; OR

18 (II) OBTAINED THROUGH MISREPRESENTATION OR FRAUD.

19 (b) (1) [Except as otherwise provided in Title 10, Subtitle 2 of the State
20 Government Article, before] BEFORE the Commission takes [any] final action under
21 subsection (a) of this section, the Commission shall give the [individual] POLICE
22 OFFICER against whom the action is contemplated an opportunity for a hearing
23 before the Commission.

24 (2) The Commission shall give notice and hold the REVOCATION hearing
25 in accordance with Title 10, Subtitle 2 of the State Government Article AND THE
26 COMMISSION'S HEARING REGULATIONS.

27 (3) THE REVOCATION HEARINGS SHALL BE CONDUCTED BY A PANEL
28 CONSISTING OF AT LEAST FIVE COMMISSION MEMBERS.

29 (c) A police officer aggrieved by the findings and order of the Commission may
30 take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

31 [3-213.

32 The Commission may recall the certificate of a police officer if the certification of
33 the police officer is suspended or revoked for any of the following reasons:

- 1 (1) the certificate was issued by administrative error;
- 2 (2) the certificate was obtained through misrepresentation or fraud;
- 3 (3) the police officer has been convicted of a felony; or
- 4 (4) the police officer has been convicted of a misdemeanor for which a
5 sentence of imprisonment exceeding 1 year may be imposed.]

6 3-213.

7 (A) THE EXECUTIVE DIRECTOR OF THE COMMISSION MAY TEMPORARILY
8 SUSPEND THE CERTIFICATION OF A POLICE OFFICER IF THE EXECUTIVE DIRECTOR:

9 (1) REASONABLY BELIEVES THAT THERE ARE GROUNDS FOR
10 REVOCATION OF CERTIFICATION UNDER § 3-212(A) OF THIS SUBTITLE;

11 (2) REASONABLY BELIEVES THAT THE PUBLIC HEALTH, SAFETY, OR
12 WELFARE REQUIRES IMMEDIATE ACTION; AND

13 (3) PROMPTLY PROVIDES WRITTEN NOTICE TO THE POLICE OFFICER
14 AND THE EMPLOYING LAW ENFORCEMENT AGENCY OF THE REASONS FOR THE
15 TEMPORARY SUSPENSION.

16 (B) NO MORE THAN 30 DAYS FOLLOWING THE NOTICE OF TEMPORARY
17 SUSPENSION, THE POLICE OFFICER SHALL BE AFFORDED AN OPPORTUNITY FOR THE
18 REVOCATION HEARING PROVIDED IN § 3-212(B) OF THIS SUBTITLE.

19 (C) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO DENY A POLICE
20 OFFICER THE RIGHTS PROVIDED IN §§ 3-101 THROUGH 3-114 OF THIS TITLE.

21 3-214.

22 (a) If the certification of a police officer is revoked, the police officer may [not]
23 apply for recertification [until 2 years after the effective date of the revocation
24 order].

25 (b) The Commission may recertify an individual as a police officer after the
26 certification of the police officer is revoked.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2005.