

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 162 (Chairman, Judicial Proceedings Committee)
(By Request – Departmental – Public Safety and Correctional Services)

Judicial Proceedings

Public Safety - Police Training Commission - Suspension and Revocation of Certification

This departmental bill allows the Police Training Commission to temporarily suspend the certification of a police officer until a revocation hearing can be held. The revocation hearing must take place within 30 days following the notice of the temporary suspension. The bill also repeals: (1) specified current law provisions relating to the suspension or recall of a certificate by the commission; and (2) a prohibition that an officer may not apply for recertification after a revocation for two years.

Fiscal Summary

State Effect: None. Because the commission already has the authority to revoke a certification, and has the resources to conduct hearings, the bill's provisions would not affect State finances.

Local Effect: None.

Small Business Effect: The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: Subject to certain hearing provisions, the Police Training Commission may suspend or revoke the certification of a police officer if the police officer (1) violates

or fails to meet the commission's standards; or (2) knowingly fails to report suspected child abuse. With a certain specified exception (under provisions governing final decisions and orders under the Administrative Procedure Act), before the commission takes any final action, the commission must give the individual against whom the action is contemplated an opportunity for a hearing before the commission. A police officer aggrieved by the findings and order of the commission may appeal.

The commission may recall the certificate of a police officer if the certification of the police officer is suspended or revoked for any of the following reasons: (1) the certificate was issued by administrative error; (2) the certificate was obtained through misrepresentation or fraud; (3) the police officer has been convicted of a felony; or (4) the police officer has been convicted of a misdemeanor for which a sentence of imprisonment exceeding one year may be imposed.

If the certification of a police officer is revoked, the police officer may not apply for recertification until two years after the effective date of the revocation order. The commission may recertify an individual as a police officer after the certification of the police officer is revoked.

Background: Created by Chapter 286 of 1966, the Police Training Commission is a 14-member commission that operates approved police training schools. Subject to the authority of the Secretary of Public Safety and Correctional Services, the commission also prescribes standards for and certifies schools that offer police and security training. It may revoke a school's certification for cause. The commission sets minimum qualifications for instructors and certifies qualified instructors for approved training schools. It verifies which officers have satisfactorily completed training programs and issues diplomas.

The commission certifies individuals as police officers who have met commission standards. Persons not satisfactorily trained in the 12-month probationary period may not be employed as police officers.

According to DPSCS, the commission does not now have the authority to immediately suspend or revoke the certification of a police officer who no longer meets the commission's selection or training standards. Such could also be the case if the officer was certified in error or due to fraud or misrepresentation, or who was convicted of a criminal offense. Currently, an individual may continue to be certified as a police officer until a revocation determination can be made at the next quarterly meeting of the commission, unless a special meeting of the commission is called.

DPSCS believes that the commission's inability to immediately suspend or revoke a certification, when the commission has been made aware of a "wrongful certification" or a possible breach of standards, may expose the commission and the State to "significant liability."

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services (Police Training Commission), Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2005
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