

# HOUSE BILL 1208

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By: **Chair, Judiciary Committee (By Request - Departmental - Public Safety and Correctional Services)**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of altering the authority of the Police Training Commission to revoke  
5 the certification of police officers; authorizing the Commission to suspend  
6 temporarily the certification of police officers under certain circumstances;  
7 requiring that revocation hearings be held by a panel of a certain number of  
8 members of the Commission; repealing the authority for the Commission to  
9 recall certain certificates; authorizing certain police officers to reapply for  
10 certification under certain circumstances; and generally relating to the  
11 certification of police officers by the Police Training Commission.

12 BY repealing and reenacting, with amendments,  
13 Article - Public Safety  
14 Section 3-212 and 3-214  
15 Annotated Code of Maryland  
16 (2003 Volume and 2006 Supplement)

17 BY repealing  
18 Article - Public Safety  
19 Section 3-213  
20 Annotated Code of Maryland  
21 (2003 Volume and 2006 Supplement)

22 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Public Safety  
2 Section 3–213  
3 Annotated Code of Maryland  
4 (2003 Volume and 2006 Supplement)

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

7 **Article – Public Safety**

8 3–212.

9 (a) [Subject to the hearing provisions of subsection (b) of this section, the]  
10 **THE** Commission may [suspend or] revoke the certification of a police officer if [the  
11 police officer]:

12 (1) **THE POLICE OFFICER:**

13 (I) violates or fails to meet the Commission’s standards; [or

14 (2)] (II) knowingly fails to report suspected child abuse in violation  
15 of § 5–704 of the Family Law Article;

16 (III) **HAS BEEN CONVICTED OF A FELONY; OR**

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

19 (2) **THE CERTIFICATE WAS:**

20 (I) **ISSUED BY ADMINISTRATIVE ERROR; OR**

21 (II) **OBTAINED THROUGH MISREPRESENTATION OR FRAUD.**

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

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

4           **(3) REVOCATION HEARINGS SHALL BE CONDUCTED BY A PANEL**  
5 **CONSISTING OF AT LEAST THREE COMMISSION MEMBERS.**

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

9 [3-213.

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

12           (1) the certificate was issued by administrative error;

13           (2) the certificate was obtained through misrepresentation or fraud;

14           (3) the police officer has been convicted of a felony; or

15           (4) the police officer has been convicted of a misdemeanor for which a  
16 sentence of imprisonment exceeding 1 year may be imposed.]

17 **3-213.**

18           **(A) THE EXECUTIVE DIRECTOR MAY SUSPEND THE CERTIFICATION**  
19 **TEMPORARILY OF A POLICE OFFICER IF THE EXECUTIVE DIRECTOR:**

20           **(1) REASONABLY BELIEVES THAT THERE ARE GROUNDS FOR**  
21 **REVOCATION OF CERTIFICATION UNDER § 3-212 OF THIS SUBTITLE;**

22           **(2) REASONABLY BELIEVES THAT THE PUBLIC HEALTH, SAFETY,**  
23 **OR WELFARE REQUIRES IMMEDIATE ACTION; AND**

24           **(3) PROMPTLY PROVIDES WRITTEN NOTICE TO THE POLICE**  
25 **OFFICER AND THE EMPLOYING LAW ENFORCEMENT AGENCY OF THE REASONS**  
26 **FOR THE TEMPORARY SUSPENSION.**

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

4           **(C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO DENY A**  
5 **POLICE OFFICER THE RIGHTS PROVIDED IN §§ 3-101 THROUGH 3-114 OF THIS**  
6 **TITLE.**

7 3-214.

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

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

13           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2007.