

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 550
Judiciary

(Delegate Kelly, *et al.*)

Judicial Proceedings

Special Police Commissions - Recommended Denial of Application - Appeals

This bill requires the Secretary of State Police, on completion of an investigation of a special police commission applicant, to notify the applicant of the final decision as to whether to recommend the denial or the granting of the application to the Governor. Any person aggrieved by a final decision of the Secretary to recommend a denial of an application may take an appeal as a contested case in accordance with provisions of the Administrative Procedure Act governing contested cases. The bill requires the Secretary to include the final disposition of an appeal in recommendations made to the Governor relating to special police commission applications.

Fiscal Summary

State Effect: This bill is procedural in nature. Assuming one to three hearings per year, the bill's requirements will be handled with the existing budgeted resources of the Department of State Police and the Office of Administrative Hearings.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Governor may appoint and deputize as a special police officer each individual that the Governor considers qualified for a commission. The following entities may apply for the appointment of special police officers for the following purposes:

- a municipality, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;
- another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;
- a college, university, or public school system in the State, in order to protect its property or students; or
- a person that exists and functions for a legal business purpose, in order to protect its business property.

The applicant for a commission must be at least 18 years old and the Secretary may require training and education for special police officers as the Secretary considers necessary.

The employer of an applicant for a commission must submit the application and a separate application is required for each individual applicant. The employer of an applicant must:

- submit an application on the form that the Secretary requires;
- submit a complete set of the applicant's legible fingerprints on standard fingerprint cards;
- pay a fee to cover the cost of the fingerprint record checks; and
- pay an application fee of \$100 to cover the cost of an investigation of the applicant, which is nonrefundable if the application is denied (an application fee may not be charged to a unit of the State).

Under the Administrative Procedure Act, boards, commissions, and agency heads can conduct contested case hearings, or delegate the authority to the Office of Administrative Hearings (OAH) or – with the Chief Administrative Law Judge's approval – to a person outside OAH. OAH may issue proposed or final findings of fact and/or conclusions of law, proposed or final orders, or the final administrative decision in a contested case. After the conclusion of a hearing conducted by OAH in a delegated contested case, OAH has 90 days to complete the procedure authorized in the agency's delegation. The time limit may be extended with the written approval of the Chief Administrative Law Judge.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of State Police, Office of Administrative Hearings,
Department of Legislative Services

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ncs/hlb

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