

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1526
Judiciary

(Delegate Sanchez, *et al.*)

Judicial Proceedings

Maryland Police Training and Standards Commission - Police Officer
Certification - Eligibility (Freedom to Serve Act)

This bill modifies the eligibility requirements for a person to be certified as a law enforcement officer by the Maryland Police Training and Standards Commission (MPTSC) to require that an individual be (1) a U.S. citizen or (2) a permanent legal resident of the United States and an honorably discharged veteran of the U.S. Armed Forces, provided that the individual pledges to apply for or obtain U.S. citizenship within six years of the employment start date within the law enforcement agency.

Fiscal Summary

State Effect: While the bill's changes may result in an operational impact on the Department of State Police (DSP), State finances are not materially affected.

Local Effect: Local jurisdictions can handle the bill's requirements with existing resources. Local revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within the Department of Public Safety and Correctional Services. MPTSC operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools.

MPTSC certifies persons as police officers who have met commission standards, including submission to a criminal history records check and a specified psychological evaluation. Under current MPTSC regulations, an applicant for the position of police officer must be a U.S. citizen and submit documents supporting a claim of citizenship to the hiring law enforcement agency. An individual who is not satisfactorily trained in the 12-month probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.

Background: Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

Additional Comments: DSP advises that permanent residents, whether active or former military, who are hired as police officers are not entitled to the same working assignments as U.S. citizens who are police officers. Permanent resident police officers may patrol and investigate crimes but may not serve on any joint federal task force. Operationally, a law enforcement agency that participates in a joint federal task force, including DSP, will be required to keep permanent resident police officers on a separate list so that they are not inadvertently transferred or assigned a position that is prohibited by federal law.

Additional Information

Prior Introductions: HB 908 of 2017, a similar bill as introduced, passed in the House with amendments, and received a hearing in the Senate Judicial Proceedings Committee but received no further action.

Cross File: SB 344 (Senator Kagan, *et al.*) - Judicial Proceedings.

Information Source(s): Kent, Montgomery, and Worcester counties; City of Westminster; Town of Leonardtown; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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