

## Chapter 489

**(House Bill 433)**

AN ACT concerning

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

FOR the purpose of altering the eligibility requirements for an individual to be certified by the Maryland Police Training and Standards Commission as a police officer to require an individual to be either a United States citizen or a certain permanent legal resident of the United States who is an honorably discharged veteran of the United States armed forces; providing for the termination of a certification under certain circumstances; ~~providing for the construction of this Act;~~ and generally relating to police officer certification.

BY repealing and reenacting, with amendments,  
Article – Public Safety  
Section 3–209  
Annotated Code of Maryland  
(2018 Replacement Volume)

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

**Article – Public Safety**

3–209.

(a) The Commission shall certify as a police officer each individual who:

(1) (i) satisfactorily meets the standards of the Commission; or

(ii) provides the Commission with sufficient evidence that the individual has satisfactorily completed a training program in another state of equal quality and content as required by the Commission;

(2) submits to a psychological evaluation; [and]

(3) submits to a criminal history records check in accordance with § 3–209.1 of this subtitle; **AND**

**(4) (I) IS A UNITED STATES CITIZEN; OR**

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IS A PERMANENT LEGAL RESIDENT OF THE UNITED STATES AND AN HONORABLY DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES, PROVIDED THAT THE INDIVIDUAL HAS APPLIED TO OBTAIN ~~OR AFFIRMS AN INTENT TO OBTAIN~~ UNITED STATES CITIZENSHIP AND THE APPLICATION IS STILL PENDING APPROVAL WITHIN 10 YEARS OF THE EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY.

~~(C) (B)~~ THE CERTIFICATION OF A POLICE OFFICER WHO FAILS TO OBTAIN ~~OR APPLY TO OBTAIN UNITED STATES CITIZENSHIP AS REQUIRED BY SUBSECTION (A)(4)(II) OF THIS SECTION~~ UNITED STATES CITIZENSHIP WITHIN 10 YEARS OF THE OFFICER'S EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY AS REQUIRED BY SUBSECTION (A)(4)(II) OF THIS SECTION SHALL BE TERMINATED BY THE COMMISSION.

[(b)] ~~(D)~~ (C) The Commission may certify as a police officer an individual who is not considered a police officer under § 3-201(f)(3) of this subtitle if the individual meets the selection and training standards of the Commission.

[(c)] ~~(E)~~ (D) Each certificate issued to a police officer under this subtitle remains the property of the Commission.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed to establish a cause of action against a law enforcement agency for failure to hire an individual who is not a citizen of the United States.~~

SECTION ~~2.~~ 2. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, May 13, 2019.**