

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1145
 Judiciary

(Delegate J. Lewis, *et al.*)

Public Safety - Special Police Officers - Requirements

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to develop and establish a training curriculum for special police officers consisting of at least 90 days of instruction for entrance-level training and 40 hours of instruction for annual in-service level training, as specified. The Secretary of State Police must require a special police officer to complete the training program established by MPTSC before the issuance or renewal of a commission. The cost for completing the required training must be paid for by the entity that applied for the appointment, but that entity is entitled to recover the cost from the special police officer. If a special police officer is approved to carry a firearm and does so within the scope of the officer’s official duties, the special police officer on duty must carry pepper spray, a baton, or an electronic control device.

Fiscal Summary

State Effect: General fund expenditures for MPTSC increase by \$367,900 in FY 2020. Future years reflect annualization and ongoing costs. Potential minimal increase in State expenditures (multiple fund types) for other State agencies with law enforcement units, which may be offset by reimbursements (not reflected in the chart below).

| (in dollars) | FY 2020 | FY 2021 | FY 2022 | FY 2023 | FY 2024 |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Revenues | \$0 | \$0 | \$0 | \$0 | \$0 |
| GF Expenditure | 367,900 | 350,000 | 360,800 | 372,400 | 384,300 |
| Net Effect | (\$367,900) | (\$350,000) | (\$360,800) | (\$372,400) | (\$384,300) |

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in local expenditures, which may be offset by reimbursements, as discussed below.

Small Business Effect: None.

Analysis

Current Law:

Special Police Officers:

Under the Public Safety Article, the Governor may appoint and deputize an individual as a special police officer. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. The following entities may apply for the appointment of special police officers for the following purposes:

- a municipal corporation, 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.

An applicant for a commission must be at least age 18. The employer of an applicant must (1) submit an application to the Secretary of State Police; (2) submit a complete set of the applicant's legible fingerprints; and (3) pay a fee to cover the cost of the fingerprint record checks. There is also a nonrefundable application fee of \$100.

The Secretary of State Police must investigate the character, reputation, and qualifications of each applicant for a commission. Upon completion of the investigation, the Secretary must transmit to the Governor (1) the results of the investigation; (2) a recommendation on denying or granting the application; (3) the reasons for the recommendation; and (4) the final disposition of any appeal. The Governor may accept the recommendation of the Secretary but need not issue a commission if the Governor believes it not to be in the best interest of the State to do so.

A special police officer appointed by the Governor may:

- arrest individuals who trespass or commit offenses on the property described in the application for the commission;
- exercise the powers of a police officer on that property;
- exercise the powers of a police officer in a county or municipality in connection with the care, custody, and protection of other property of the entity that requested

- the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and
- direct and control traffic on public highways and roads in the immediate vicinity of the property in order to facilitate the orderly movement of traffic to and from the property, if approved in advance.

While any special police officer in the State is eligible for training by MPTSC and any local training academy, it is not required for the issuance of the commission. A violator of specified provisions relating to State special police officer commissions is guilty of a misdemeanor and subject to imprisonment for six months and/or a fine of \$1,000.

A commission is suspended or terminates when the employer of the special police officer files written notice that states that the special police officer is suspended from or relieved of the duties of a special police officer. The Governor may suspend or terminate a commission on recommendation of the Secretary or on the Governor's own motion if the Governor finds it in the best interest of the State. The suspension or termination must be noted in the official records of the Governor. The suspension or termination may not take effect until five days after notice is sent to both the special police officer and the special police officer's employer.

The Governor may delegate the power to suspend or terminate a commission to the Secretary of State. A commission does not terminate if (1) an employer no longer needs the services of a special police officer because the employer has transferred the business property described in the commission to another person for legal business purposes and (2) the other person executes a form prepared by the Secretary of State that affirms that the other person will employ the special police officer to protect that business property and will assume the responsibilities of the original employer.

An initial commission expires three years after its date of issuance. At the end of a term of a commission, the commission is renewable for a three-year term if, among other things, the employer submits a renewal application, submits a complete set of fingerprints, and pays a fee to cover the cost of the fingerprint record checks. The renewal fee is \$60.

Each individual subject to a criminal history records check (CHRC) is required to pay \$51.25 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$13.25 Federal Bureau of Investigation fee, an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Maryland Police Training and Standards Commission

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 consultation. 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.

MPTSC requirements include, among other things, for entrance-level police training and at least every three years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application of:

- the criminal laws concerning rape and sexual offenses, including the sexual abuse and exploitation of children and related evidentiary procedures;
- the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims;
- the contact with and treatment of victims of crimes and delinquent acts;
- the notices, services, support, and rights available to victims and victims' representatives under State law; and
- the notification of victims of identity fraud and related crimes of their rights under federal law.

Definitions

“Electronic control device” means a portable device designed as a weapon capable of injuring, immobilizing, or inflicting pain on an individual by the discharge of electrical current.

“Special police officer” means an individual who holds a commission issued under Title 3, Subtitle 3 of the Public Safety Article.

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.

State Fiscal Effect:

Maryland Police Training and Standards Commission

MPTSC does not provide training for special police officers, and the training required by the bill is different than the training MPTSC conducts for police officers. In order to provide the required training, MPTSC needs to create a training unit dedicated to special police officers. Thus, general fund expenditures for MPTSC increase by \$367,947 in fiscal 2020, which accounts for the bill’s October 1, 2019 effective date. This estimate reflects the cost of hiring a special police officer training academy coordinator, two academy instructors, one administrative assistant, and one part-time certification specialist to implement and administer the required training curriculum and program. It includes salaries, fringe benefits, one-time start-up costs (including classroom equipment), and ongoing operating expenses.

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| Positions | 4.5 |
| Salaries and Fringe Benefits | \$241,387 |
| Start-up Costs/Classroom Equipment | 124,450 |
| Other Operating Expenses | <u>2,110</u> |
| Total FY 2020 MPTSC Expenditures | \$367,947 |

Future year expenditures reflect full salaries with annual increases and employee turnover, classroom supplies and equipment, and ongoing operating expenses.

Other State Agencies with Law Enforcement Units

State expenditures (multiple fund types) may increase minimally for State law enforcement agencies that employ special police officers. For example, St. Mary’s College of Maryland advises that it employs three special officers and intends to convert 13 additional positions to the status of special police officers. The college anticipates that the bill results in overtime costs to cover shifts while the special police officers are in the required training. Although the extent to which other State agencies with law enforcement units employ special police officers is unknown, it is assumed that any other State agencies that do so may incur similar costs.

Because the bill authorizes the entity that applies for the appointment of a special police officer to recoup training costs, State revenues from reimbursements may increase to the extent this occurs.

Local Fiscal Effect: To the extent that local governments apply for the appointment of and employ special police officers, local expenditures may increase minimally to pay for the required training and/or cover shifts of officers while they complete the required

training. However, because the bill authorizes the entity that applies for the appointment of a special police officer to recoup training costs, local revenues from reimbursements may increase to the extent this occurs.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery, Washington, and Worcester counties; cities of Salisbury and Westminster; Maryland Municipal League; Town of Leonardtown; Maryland State Department of Education; Maryland Higher Education Commission; Baltimore City Community College; University System of Maryland; St. Mary's College of Maryland; Department of General Services; Department of Public Safety and Correctional Services; Department of State Police; Anne Arundel County Public Schools; Baltimore City Public Schools; Department of Legislative Services

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Analysis by: Shirleen M. E. Pilgrim

Direct Inquiries to:
(410) 946-5510
(301) 970-5510