

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 699 (Delegate Lopez, *et al.*)
 Judiciary

Maryland Police Training and Standards Commission - Training Requirements -
 Hate Crimes

This bill requires the Maryland Police Training and Standards Commission (MPTSC) to require, 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 and enforcement of the criminal laws concerning hate crimes and the appropriate treatment of victims of hate crimes, as specified.

Fiscal Summary

State Effect: General fund expenditures increase by \$24,900 in FY 2020 only. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	24,900	0	0	0	0
Net Effect	(\$24,900)	\$0	\$0	\$0	\$0

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

Local Effect: Potential minimal increase in local expenditures for law enforcement agencies that do not currently conduct the required training. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

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probationary period may not be employed as a police officer, and a police officer may not serve after certification has been revoked, suspended, or allowed to lapse.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.

Hate Crimes

The State's hate crimes statutes are contained in Title 10, Subtitle 3 of the Criminal Law Article, specifically §§ 10-302 (damaging property of a religious entity), 10-303 (obstructing exercise of religious beliefs), 10-304 (harassment or destruction of property), and 10-305 (damage to an associated building).

Section 10-302 (Damaging Property of a Religious Entity)

A person may not deface, damage, destroy, or attempt to deface, damage, or destroy real or personal property that is owned, leased, or used by a religious entity or for any religious purpose.

Section 10-303 (Obstructing Exercise of Religious Beliefs)

A person may not, by force or the threat of force, obstruct or attempt to obstruct the free exercise of religious beliefs.

Section 10-304 (Harassment or Destruction of Property)

A person may not engage in the following acts because another person or group is homeless or because of another person's or group's race, color, religious beliefs, sexual orientation, gender, or national origin:

- commit a crime or attempt to commit a crime against another person or group;
- damage the real or personal property of another person or group;
- deface, damage, or destroy, or attempt to deface, damage, or destroy the real or personal property of another person or group;
- burn or attempt to burn an object on the real or personal property of another person or group; or
- commit a hate crime that involves a separate crime that is a felony or that results in the death of a victim.

Section 10-305 (Damage to an Associated Building)

A person may not deface, damage, or destroy; attempt to deface, damage, or destroy; burn or attempt to burn an object on; or damage the real or personal property connected to a building that is publicly or privately owned, leased, or used (1) because a person of a particular race, color, religious belief, sexual orientation, gender, or national origin, or because a person or group that is homeless, has contacts or is associated with the building or (2) if there is evidence that exhibits animosity against a person or group due to the race, color, religious beliefs, sexual orientation, gender, or national origin of that group or because that person or group is homeless.

Penalties

In general, an individual who violates these provisions is guilty of a misdemeanor, punishable by imprisonment for up to 3 years and/or a maximum fine of \$5,000. However,

if a violation of § 10-304 involves a separate felony, the violator is guilty of a felony and is subject to imprisonment for up to 10 years and/or a fine of up to \$10,000. If a violation of § 10-304 results in the death of the victim, the violator is subject to imprisonment for up to 20 years and/or a fine of up to \$20,000.

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.

State Expenditures: General fund expenditures increase by \$24,909 for MPTSC in fiscal 2020 only. This estimate reflects the cost of hiring a contractual curriculum specialist for six months to develop the training and to administer the training for trainers. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1
Salary and Fringe Benefits	\$19,656
Operating Expenses	<u>5,253</u>
Total FY 2020 State Expenditures	\$24,909

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Charles, Frederick, Montgomery, and Somerset counties; Maryland Association of Counties; City of Havre de Grace; Maryland Municipal League; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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