

Department of Legislative Services  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 321

(Senator Bailey, *et al.*)

Judicial Proceedings

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**Policing Authority - Comptroller's Office and Alcohol and Tobacco Commission**

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This bill grants employees of the Division of the Office of the Executive Director of the Alcohol and Tobacco Commission (ATC) who are authorized to make arrests the powers of police and peace officers and classifies them as police officers and law enforcement officers (1) subject to the Law Enforcement Officers' Bill of Rights (LEOBR) and (2) eligible for certification by the Maryland Police Training and Standards Commission (MPTSC). The bill also replaces the Field Enforcement Division (FED) of the Comptroller's Office with the Public Safety Bureau and makes conforming changes. **The bill takes effect June 1, 2020, contingent on Chapter 12 of 2019 taking effect.**

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**Fiscal Summary**

**State Effect:** None. The bill likely ensures FED agents transferred to ATC on June 1, 2020, maintain the same rights and responsibilities as police officers under Chapter 12 of 2019 as they have under current law, as discussed below.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:**

*Alcohol and Tobacco Commission*

Chapter 12 of 2019 establishes ATC, beginning June 1, 2020, and transfers personnel, powers, duties, and responsibilities that relate to the regulation of alcoholic beverages and tobacco from the Comptroller's Office (specifically FED) to ATC. Chapter 12 specified

that all duties and responsibilities associated with FED's alcoholic beverages and tobacco regulation functions must continue under ATC. Employees transferred under Chapter 12 retain any merit system and retirement status they may have on the date of transfer and must be transferred without any change or loss of pay, working conditions, benefits, rights, or status. Furthermore, Chapter 12 specifies that files, furniture, fixtures, records, other properties, credits, liabilities, and obligations are retained by the appropriate entity under the transfer.

### *Benefits for Police and Law Enforcement Officers*

LEOBR was enacted in 1974 to guarantee police officers specified procedural safeguards in any investigation that could lead to disciplinary action. It extends to police officers of 26 specified State and local agencies but does not extend to any correctional officers in the State. LEOBR extends uniform protections to officers in two major components of the disciplinary process: (1) the conduct of internal investigations of complaints that may lead to a recommendation of disciplinary action against a police officer; and (2) procedures that must be followed once an investigation results in a recommendation that an officer be disciplined. LEOBR requirements are much more restrictive and time-consuming than general State personnel requirements under Title 11 of the State Personnel and Pensions Article. Specifically, LEOBR delineates who can do the investigation, what management must disclose to the employee, and when and where the meeting can take place; it also limits the duration of the meeting.

### *Maryland Police Training and Standards Commission*

Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within 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. 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.

**State Expenditures:** Even though Chapter 12 of 2019 requires the transfer of certain FED agents to ATC, it does not make the changes necessary to ensure those agents retain their rights and responsibilities as police officers. Agents under FED utilize those powers to conduct inspections and investigations of alcoholic beverages and tobacco crimes under

the current regulatory structure. Assuming all agents transferred from FED to ATC are housed within the Division of the Office of the Executive Director, the bill ensures they can continue to fulfill their regulatory duties in the same manner when Chapter 12 takes effect on June 1, 2020.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Department of Public Safety and Correctional Services;  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2020  
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