

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 812

(Senator Waldstreicher)

Judicial Proceedings

Judiciary

Motor Vehicle Administration Police - Powers

This bill grants members of the Motor Vehicle Administration (MVA) Police 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).

Fiscal Summary

State Effect: Potential minimal increase in Transportation Trust Fund expenditures to the extent that MVA police receive additional benefits under LEOBR that are not currently provided under the Transportation Services Human Resources System (TSHRS). Revenues are not anticipated to be materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Motor Vehicle Administration Police Officers

MVA police officers are currently commissioned as Special Police Officers (SPOs) who complete training through a police academy. MVA police are members of the Law

Enforcement Officers' Pension System (LEOPS) and TSHRS; however, MVA police officers do not have rights under LEOBR.

Special Police Officers

Under the Public Safety Article, the Governor may appoint and deputize an individual as an SPO. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. An SPO 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 SPO 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 commission is suspended or terminates when the employer of the SPO files written notice that states that the SPO is suspended from or relieved of the duties of an SPO. The Governor may also suspend or terminate a commission under specified conditions.

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.

Law Enforcement Officers' Bill of Rights

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.

Law Enforcement Officers' Pension System

LEOPS was established on July 1, 1990, with participation a condition of employment for specified public safety officers. It consists of (1) a retirement plan that was closed to new members on January 1, 2005, and (2) a pension plan applicable to members hired on or after that date.

Transportation Services Human Resources System

The Maryland Department of Transportation (MDOT) was authorized to create an independent personnel system in 1992 for all of its units, to be fully implemented by 1996. The result was the establishment of TSHRS, which covers most of the department's employees. Personnel classifications within the MDOT system are distinct from those in the State system; MDOT regulations provide that regular employees are grouped as either:

- career service employees, who are selected competitively and may only be dismissed for cause;
- commission plan employees, who work in marketing or sales and may be compensated based on private-sector equivalent employees – these employees serve at the pleasure of the appointing authority; or

- executive service employees, who serve at the pleasure of the appointing authority and either play a significant policy role; require expert, unique, or specialized training that would not apply to career service employees, as determined by regulation; or directly support the offices of the administrators.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1012 (Delegate Cardin) - Judiciary.

Information Source(s): Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of State Police; Department of Legislative Services

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