

# HOUSE BILL 1280

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By: **Delegate Taylor**

Introduced and read first time: February 24, 2023

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of State Police – Professional Occupations – Application Process**

3 FOR the purpose of authorizing the Secretary of State Police to determine the manner and  
4 format for applications for certification as a private detective and security guard and  
5 for a license to provide security guard services; requiring an applicant for a  
6 commission as a special police officer to submit two sets of fingerprints in a certain  
7 format to the Secretary; and generally relating to applications for professional  
8 occupations and the Department of State Police.

9 BY repealing and reenacting, without amendments,  
10 Article – Business Occupations and Professions  
11 Section 13–101(a), (g), (h), and (l) and 19–101  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Business Occupations and Professions  
16 Section 13–403, 13–404.1, 19–304, 19–308, 19–402, and 19–404.1  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Public Safety  
21 Section 3–301  
22 Annotated Code of Maryland  
23 (2022 Replacement Volume)

24 BY repealing and reenacting, with amendments,  
25 Article – Public Safety  
26 Section 3–304  
27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2022 Replacement Volume)

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

4 **Article – Business Occupations and Professions**

5 13–101.

6 (a) In this title the following words have the meanings indicated.

7 (g) “Licensed private detective agency” means, unless the context requires  
8 otherwise, a person who is licensed by the Secretary to conduct a business that provides  
9 private detective services.

10 (h) “Private detective” means an individual who personally provides private  
11 detective services.

12 (l) “Secretary” means the Secretary of State Police.

13 13–403.

14 To qualify for certification as a private detective, an employee of or applicant for  
15 employment with a licensed private detective agency shall:

16 (1) meet the standards set by the Secretary;

17 (2) submit to the Secretary:

18 (i) a sworn application [on the form] **IN THE MANNER AND**  
19 **FORMAT DESIGNATED BY** the Secretary [provides]; and

20 (ii) the fingerprints required under § 13–304(c)(2)(i) of this title; and

21 (3) pay to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

22 (i) an application fee of \$15; and

23 (ii) the fees required under § 13–304(c)(2) of this title.

24 13–404.1.

25 (a) By regulation, the Secretary shall stagger the terms of the certifications under  
26 this subtitle.

27 (b) Unless a certification is renewed for a 3–year term as provided in this section,  
28 the certification expires on the date the Secretary sets.

1 (c) At least 90 days before a certification expires, the applicant shall [deliver]  
2 **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE**  
3 **SECRETARY:**

4 (1) a renewal application [form];

5 (2) the amount of the renewal fee **IN A METHOD APPROVED BY THE**  
6 **SECRETARY;** and

7 (3) the amount of any late fee, as determined by the Secretary.

8 (d) An individual periodically may renew the certification for an additional  
9 3-year term, if the individual:

10 (1) is otherwise entitled to be certified;

11 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

12 (i) a renewal fee of \$10;

13 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
14 Procedure Article for access to Maryland criminal history records;

15 (iii) the mandatory processing fee required by the Federal Bureau of  
16 Investigation for a national criminal history records check; and

17 (iv) any late fee required under this subtitle; and

18 (3) submits to the Secretary:

19 (i) a renewal application [on the form the Secretary provides] **IN**  
20 **THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;** and

21 (ii) two complete sets of the applicant's legible fingerprints taken on  
22 forms approved by the Director of the Central Repository and the Director of the Federal  
23 Bureau of Investigation.

24 (e) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure  
25 Article, the Central Repository shall forward to the applicant and the Department of State  
26 Police a printed statement of the applicant's criminal history records information.

27 (f) (1) Subject to paragraph (2) of this subsection, if a complete application for  
28 renewal of certification as required under this subtitle is not received by the Secretary at  
29 least 30 calendar days before the certification expires, the Secretary shall assess a late fee  
30 of \$5 per day until the application is received by the Secretary, unless the applicant did not

1 make timely renewal because of incapacity, hospitalization, being called to active military  
2 duty, or other hardship.

3 (2) The total amount of late fees assessed under this subsection may not  
4 exceed \$150.

5 (3) The Secretary may not certify any applicant under this title if the  
6 applicant has outstanding late fee obligations.

7 (g) (1) The Secretary shall renew the certification of each individual who  
8 meets the requirements of this section.

9 (2) Within 5 days after the Secretary refuses to renew the certification of  
10 an individual as a private detective, the Secretary shall send written notice of the refusal  
11 to the individual who submitted the renewal application.

12 19–101.

13 (a) In this title the following words have the meanings indicated.

14 (b) “Central Repository” means the Criminal Justice Information System Central  
15 Repository of the Department of Public Safety and Correctional Services.

16 (c) “Certification card” means a card issued by the Secretary under § 19–405 of  
17 this title to an individual certified as a security guard.

18 (d) “Firm” means a partnership or corporation.

19 (e) “Firm member” means a partner of a partnership or an officer or director of a  
20 corporation.

21 (f) “License” means, unless the context requires otherwise, a license issued by the  
22 Secretary to conduct a business to provide security guard services.

23 (g) “Licensed security guard agency” means a person who is licensed by the  
24 Secretary to conduct a business that provides security guard services.

25 (h) “Representative member” means a firm member who is appointed under §  
26 19–302(b) of this title to act on behalf of the firm.

27 (i) “Secretary”, unless the context requires otherwise, means the Secretary of  
28 State Police.

29 (j) “Security guard” means an individual who provides security guard services to  
30 any person on behalf of a security guard agency, regardless of whether the individual is  
31 described as a security guard, watchman, or private patrolman or by other title.

1 (k) (1) "Security guard agency" means a person who conducts a business that  
2 provides security guard services.

3 (2) "Security guard agency" does not include a person that is primarily  
4 engaged in the business of owning, maintaining, or otherwise managing property.

5 (l) "Security guard services" includes any activity that is performed for  
6 compensation as a security guard to protect any individual or property, except the activities  
7 of an individual while performing as:

8 (1) a marine guard or ship watchman, regardless of whether the guard or  
9 watchman is stationed aboard a ship or on a pier; or

10 (2) a special police officer appointed and while performing under Title 3,  
11 Subtitle 3 of the Public Safety Article or § 16-16 of the Code of Public Local Laws of  
12 Baltimore City.

13 19-304.

14 (a) (1) An applicant for a license shall:

15 (i) submit to the Secretary an application [on the form that] **IN THE**  
16 **MANNER AND FORMAT DESIGNATED BY** the Secretary [provides];

17 (ii) submit the documents required under this section; and

18 (iii) pay to the Secretary, **IN A METHOD APPROVED BY THE**  
19 **SECRETARY**, the fees required under subsection (b) of this section.

20 (2) If the applicant is a firm, the representative member shall complete the  
21 application [form] and otherwise be responsible for the firm's compliance with this section.

22 (b) (1) An applicant for a license shall pay to the Secretary an application fee  
23 of:

24 (i) \$200, if the applicant is an individual; or

25 (ii) \$375, if the applicant is a firm; and

26 (iii) the fees authorized under subsection (c) of this section.

27 (2) (i) As part of the application for a license, the applicant shall submit  
28 to the Secretary the fingerprints required under subsection (c) of this section.

29 (ii) If the applicant is a firm, the applicant shall pay the cost of the  
30 fingerprint card record checks for each firm member.

1 (c) (1) The Department of State Police shall apply to the Central Repository  
2 for a State and national criminal history records check for each applicant.

3 (2) As part of the application for a criminal history records check, the  
4 Department of State Police shall submit to the Central Repository:

5 (i) two complete sets of the applicant's legible fingerprints taken on  
6 forms approved by the Director of the Central Repository and the Director of the Federal  
7 Bureau of Investigation;

8 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
9 Procedure Article for access to Maryland criminal history records; and

10 (iii) the mandatory processing fee required by the Federal Bureau of  
11 Investigation for a national criminal history records check.

12 (3) In accordance with §§ 10-201 through 10-235 of the Criminal  
13 Procedure Article, the Central Repository shall forward to the applicant and the  
14 Department of State Police a printed statement of the applicant's criminal history record  
15 information.

16 (4) Information obtained from the Central Repository under this section  
17 shall be:

18 (i) confidential and may not be disseminated; and

19 (ii) used only for the purpose authorized by this section.

20 (5) The subject of a criminal history records check under this section may  
21 contest the contents of the printed statement issued by the Central Repository as provided  
22 in § 10-223 of the Criminal Procedure Article.

23 (d) (1) If the applicant is an individual, the application [form] provided by the  
24 Secretary shall require:

25 (i) the name of the applicant;

26 (ii) the age of the applicant;

27 (iii) the address of the applicant; and

28 (iv) the current and previous employment of the applicant.

29 (2) If the applicant is a firm, the application [form] provided by the  
30 Secretary shall require:

31 (i) a list of all of the firm members; and

1 (ii) for each firm member, the same information required regarding  
2 an individual applicant under paragraph (1) of this subsection.

3 (3) For all applicants, the application [form] shall require:

4 (i) the address of the applicant's proposed principal place of  
5 business and of each proposed branch office;

6 (ii) any trade or fictitious name that the applicant intends to use  
7 while conducting the business of the security guard agency;

8 (iii) the submission of a facsimile of any trademark that the applicant  
9 intends to use while conducting the business of the security guard agency; and

10 (iv) as the Secretary considers appropriate, any other information to  
11 assist in the evaluation of:

12 1. an individual applicant; or

13 2. if the applicant is a firm, any firm member.

14 (e) The application [form] provided by the Secretary shall contain a statement  
15 advising the applicant that willfully making a false statement on an application is a  
16 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19-605 and  
17 19-607 of this title.

18 (f) (1) If the applicant is an individual, the application [form] shall be signed,  
19 under oath, by the individual.

20 (2) If the applicant is a firm, the application [form] shall be signed, under  
21 oath, by the representative member, as the representative member, and shall provide proof  
22 to the Secretary that the representative member is a member of the firm.

23 (g) (1) If the applicant is an individual, the application shall be accompanied  
24 by at least three names of individuals who can attest to the character of the applicant.

25 (2) If the applicant is a firm, the application shall be accompanied by at  
26 least three names of individuals who can attest to the character of each firm member.

27 (h) An applicant for a license who intends to employ at least five individuals as  
28 security guards shall submit with the application proof of commercial general liability  
29 insurance, including errors and omissions and completed operations with a \$1,000,000 total  
30 aggregate minimum, as required under § 19-504 of this title.

31 (i) In addition to meeting the other requirements of this section, a nonresident  
32 applicant shall submit a consent and any related document, as required by § 19-505 of this

1 title.

2 19–308.

3 (a) By regulation, the Secretary shall stagger the terms of the licenses.

4 (b) Unless a license is renewed for a 3–year term as provided in this section, the  
5 license expires on the date the Secretary sets.

6 (c) At least 1 month before a license expires, the Secretary shall mail or  
7 electronically transmit to the licensee:

8 (1) a renewal application [form]; and

9 (2) a notice that states:

10 (i) the date on which the current license expires;

11 (ii) that the Secretary must receive the renewal application and the  
12 statements required under § 19–309 of this subtitle, at least 15 days before the license  
13 expiration date, for the renewal to be issued and mailed before the license expires;

14 (iii) the amount of the renewal fee;

15 (iv) that, if the statements required under § 19–309 of this subtitle  
16 are not received at least 15 days before the license expiration date, a fee of \$10 per day  
17 shall be charged against the licensee until the statements are received; and

18 (v) that the submission of a false statement in the renewal  
19 application or in the annual statements is cause for revocation of the license.

20 (d) A licensee periodically may renew the license for an additional 3–year term, if  
21 the licensee:

22 (1) otherwise is entitled to be licensed;

23 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

24 (i) a renewal fee of:

25 1. \$200, if the licensee is an individual; or

26 2. \$400, if the licensee is a firm;

27 (ii) payment for the cost of a fingerprint card record check by the  
28 Federal Bureau of Investigation; and



1 (iii) any late fee required under § 19–309 of this subtitle; and

2 (3) submits to the Secretary:

3 (i) a renewal application [on the form that the Secretary provides]

4 **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

5 (ii) a complete set of the applicant’s legible fingerprints taken on  
6 federal fingerprint cards;

7 (iii) the statements required under § 19–309 of this subtitle and any  
8 other documentation that may be required by the Secretary to renew the agency license  
9 under this subtitle; and

10 (iv) two photographs of the applicant in a format approved by the  
11 Secretary.

12 (e) The Secretary shall renew the license of each licensee who meets the  
13 requirements of this section.

14 19–402.

15 (a) To qualify for certification as a security guard, an individual shall:

16 (1) meet the standards set by the Secretary;

17 (2) be an employee of or an applicant for employment with a licensed  
18 security guard agency;

19 (3) be of good moral character and reputation;

20 (4) submit to the licensed security guard agency, for forwarding to the  
21 Secretary:

22 (i) a sworn application [on the form] **IN THE MANNER AND**  
23 **FORMAT DESIGNATED BY** the Secretary [provides];

24 (ii) the fingerprints required under § 19–304(c) of this title; and

25 (iii) a nonrefundable application fee of \$15; and

26 (5) pay to the licensed security guard agency, for forwarding to the  
27 Secretary, the fees authorized under § 19–304(c) of this title.

28 (b) On receipt from an applicant for certification as a security guard, a licensed  
29 security guard agency shall forward to the Secretary the applicant’s application [form],  
30 fingerprint cards, and criminal history records check fees.

1 19-404.1.

2 (a) By regulation, the Secretary shall stagger the terms of the certifications.

3 (b) Unless a certification is renewed for a 3-year term as provided in this section,  
4 the certification expires on the date the Secretary sets.

5 (c) At least 90 days before a certification expires, the applicant shall [mail]  
6 **SUBMIT** to the Secretary **IN THE MANNER AND FORMAT DESIGNATED BY THE**  
7 **SECRETARY:**

8 (1) a renewal application [form];

9 (2) the amount of the renewal fee **IN A METHOD APPROVED BY THE**  
10 **SECRETARY;** and

11 (3) the amount of any late fee, as determined by the Secretary.

12 (d) An individual periodically may renew the certification for an additional  
13 3-year term, if the individual:

14 (1) otherwise is entitled to be certified;

15 (2) pays to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**

16 (i) a renewal fee of \$10;

17 (ii) payment for the cost of a fingerprint card record check by the  
18 Federal Bureau of Investigation; and

19 (iii) any late fee required under this subtitle; and

20 (3) submits to the Secretary a renewal application [on the form that the  
21 Secretary provides] **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY.**

22 (e) (1) Subject to paragraph (2) of this subsection, if a complete application for  
23 renewal of certification as required under this subtitle is not received by the Secretary on  
24 or before the first business day of the next calendar month immediately following the  
25 renewal date, the Secretary shall assess a late fee of \$5 per day until the application is  
26 received by the Secretary.

27 (2) (i) The Secretary may not charge a late fee under paragraph (1) of  
28 this subsection if the applicant did not make timely renewal because of incapacity,  
29 hospitalization, being called to active military duty, or other hardship.

1 (ii) The total amount of late fees assessed against an applicant under  
2 this subsection may not exceed \$150.

3 (3) The Secretary may not certify any applicant under this subtitle if the  
4 applicant has outstanding late fee obligations.

5 (f) (1) The Secretary shall renew the certification of each individual who  
6 meets the requirements of this section.

7 (2) Within 5 days after the Secretary refuses to renew the certification of  
8 an individual as a security guard, the Secretary shall send written notice of the refusal to  
9 the individual who submitted the renewal application.

### 10 Article – Public Safety

11 3–301.

12 (a) In this subtitle the following words have the meanings indicated.

13 (b) “Central Repository” has the meaning stated in § 10–101 of the Criminal  
14 Procedure Article.

15 (c) “Commission” means a special police commission issued under this subtitle.

16 (d) “Secretary” means the Secretary of State Police.

17 (e) “Special police officer” means an individual who holds a commission issued  
18 under this subtitle.

19 3–304.

20 (a) (1) The employer of an applicant for a commission shall submit the  
21 application under this section.

22 (2) A separate application is required for each individual applicant for a  
23 commission.

24 (b) (1) The employer of an applicant for a commission shall submit to the  
25 Secretary:

26 (i) an application in the manner and format designated by the  
27 Secretary; and

28 (ii) subject to paragraph (4) of this subsection, an application fee of  
29 \$100 **IN A METHOD APPROVED BY THE SECRETARY**, to cover the cost of an investigation  
30 of the applicant.

1 (2) As part of the application for a commission, the applicant shall submit  
2 to the Secretary [the set of fingerprints]:

3 (I) TWO SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS  
4 TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY  
5 AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION; and

6 (II) THE fees required under subsection (c) of this section.

7 (3) The application fee is nonrefundable.

8 (4) An application fee may not be charged to a unit of the State.

9 (c) (1) The Secretary shall apply to the Central Repository for a State and  
10 national criminal history records check for each applicant for a special police commission.

11 (2) As part of the application for a criminal history records check, the  
12 Secretary shall submit to the Central Repository:

13 (i) a complete set of the applicant's legible fingerprints taken in a  
14 format approved by the Director of the Central Repository and the Director of the Federal  
15 Bureau of Investigation;

16 (ii) the fee authorized under § 10-221(b)(7) of the Criminal  
17 Procedure Article for access to Maryland criminal history records; and

18 (iii) the mandatory processing fee required by the Federal Bureau of  
19 Investigation for a national criminal history records check.

20 (3) The Central Repository shall provide a receipt to the applicant for the  
21 fees paid in accordance with paragraph (2)(ii) and (iii) of this subsection.

22 (4) In accordance with Title 10, Subtitle 2 of the Criminal Procedure  
23 Article, the Central Repository shall forward to the applicant and the Secretary a printed  
24 statement of the applicant's criminal history information.

25 (5) Information obtained from the Central Repository under this section:

26 (i) is confidential and may not be disseminated; and

27 (ii) may be used only for the purposes authorized by this section.

28 (6) If criminal history record information is reported to the Central  
29 Repository after the date of the initial criminal history records check, the Central  
30 Repository shall provide to the Department of State Police Licensing Division a revised  
31 printed statement of the applicant's or special police officer's State criminal history record.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2023.