

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 110

(Senator Jackson)

Judicial Proceedings

Public Safety – Maryland Police Training and Standards Commission

This bill updates and modifies requirements and terminology for the Maryland Police Training and Standards Commission (MPTSC) relating to membership, procedures, and training for police officers. Among other things, the bill requires MPTSC to conduct job task analyses for entrance-level police officers every 10 years, as specified. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: MPTSC can handle the bill’s requirements with existing budgeted resources. State government finances are otherwise not anticipated to be materially affected.

Local Effect: Local government finances are not anticipated to be materially affected.

Small Business Effect: None.

Analysis

Bill Summary: The bill:

- alters the term “SWAT” to be “special tactical response team”;
- authorizes specified members of MPTSC to designate in writing a specified person who is authorized to act at any meeting to the same effect as if the member were personally present;
- repeals the requirement for MPTSC to annually elect a chair from among its members and instead requires the Secretary of State Police to serve as chair;

- clarifies that MPTSC must establish standards for the approval and continuation of approval of *each school* that conducts police entrance-level and in-service training courses required by the commission, as specified;
- requires MPTSC to conduct job task analyses for entrance-level police officers every 10 years, beginning by December 31, 2023;
- requires MPTSC to post on its website and notify each law enforcement agency, by August 15 each year, specified information relating to training topics;
- requires MPTSC to verify that certified police officers maintain certification in lifesaving techniques, as specified;
- requires MPTSC to consult with specified recognized law enforcement agencies, educational institutions, or other agencies and units of the State involved in police training;
- alters and expands areas of study required for entrance-level police training and at least every 3 years for in-service level police training;
- alters a current law requirement requiring the adoption of a specified statement relating to motorcycle profiling by establishing a December 31, 2023 deadline for that requirement;
- establishes an annual deadline of March 31 for MPTSC to post to a website maintained by MPTSC a specified summary relating to officer-involved incidents and officer discipline (that is required under current law);
- repeals the requirement for MPTSC to consult with the Maryland Department of Health in establishing a specified confidential hotline required under current law;
- requires MPTSC to post on its website information regarding the confidential hotline;
- requires MPTSC to maintain, rather than develop, specified standards, programs, systems, regulations, and processes;
- requires MPTSC to annually review and update as appropriate, rather than develop, best practices for the establishment and implementation of a community policing program, as specified;
- requires each police officer to be certified or provisionally certified by MPTSC before employment as a police officer;
- expands the requirements necessary for MPTSC to certify an individual as a police officer to include submission to a medical evaluation;
- alters references to a certificate issued by MPTSC to instead reference a certification card;
- updates the process for completion of a criminal history records check and the collection of required fees;
- requires a police officer's certification to lapse on June 30 of the calendar year following the most recent certification if the officer fails to meet specified MPTSC requirements and repeals (1) the requirement that the certification of a police officer

- automatically lapses 3 years after the date of the previous certification; (2) the authorization for a police officer to apply for recertification after a lapse in certification; and (3) the authorization for MPTSC to recertify the officer;
- requires MPTSC to hold a hearing (relating to lapses in certification) *within 90 days* of a request by an officer and repeals the requirement for MPTSC to (1) follow specified procedures under the Law Enforcement Officers' Bill of Rights (LEOBR) and (2) order the police officer's law enforcement agency to pay hearing costs and related fees as a result of the action under specified circumstances;
 - authorizes MPTSC to recertify an applicant for recertification as a police officer not earlier than 2 years after the effective date of a revocation order; and
 - clarifies and alters terminology and definitions relating to police administrators and police supervisors.

Current Law:

Maryland Police Training and Standards Commission

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 (1) a criminal history records check; (2) a specified mental health screening; and (3) a specified physical agility assessment. 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, 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 criminal law concerning hate crimes;
- 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.

These requirements apply to in-service level police training every three years and entrance-level training conducted by the State and each county and municipal police training school.

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. Chapter 59 of 2021 repealed LEOBR and established provisions that relate to a statewide accountability and discipline process for police officers.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See SB 389 of 2022 and SB 608 of 2021.

Designated Cross File: None.

Information Source(s): Maryland Commission on Civil Rights; Frederick and Somerset counties; City of Havre de Grace; Alcohol and Tobacco Commission; Comptroller's Office; Governor's Office of Crime Prevention, Youth, and Victim Services; Baltimore City Community College; University System of Maryland; Morgan State University; Department of General Services; Maryland Department of Health; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

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