

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Bill Number (Chair, Judicial Proceedings Committee)(By Request -
Departmental - State Police)

Judicial Proceedings

**Public Safety – Use of Department of State Police Articles for Commercial
Purposes – Prohibitions**

This departmental bill prohibits a person, for commercial purposes, from copying, reproducing, distributing, or using the shield, badge, insignia, emblem, or shoulder patch adopted by the Department of State Police (DSP) without the appropriate authority of the Secretary of State Police. A violator is guilty of a misdemeanor and subject to existing maximum penalties of imprisonment for two years and/or a \$2,000 fine.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues and expenditures due to the application of an existing penalty provision to violations of the bill. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in local government revenues and expenditures due to the application of an existing penalty provision to violations of the bill.

Small Business Effect: DSP has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law: A person may not, with fraudulent design on person or property, falsely represent that the person is a police officer, special police officer, sheriff, deputy sheriff, or constable. A person may not, for the purpose of deception, have a simulation or imitation

of a uniform, shield, button, ornament, badge, identification, or shoulder patch adopted by DSP to be worn by its members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy sheriff, or constable. In addition, unless appropriate authority is provided, as specified, a person may not have, use, wear, or display a uniform, shield, button, ornament, badge, identification, or shoulder patch adopted by DSP to be worn by its members, insignia, or emblem of office, as is worn by a police officer, sheriff, deputy sheriff, or constable. A violator of any of these provisions is guilty of a misdemeanor and subject to maximum penalties of two years imprisonment and/or a \$2,000 fine.

Background: DSP advises that challenge coins – a small token collected and traded by some members of law enforcement and the military – with racially and sexually graphic depictions were recently circulated that also included the DSP insignia. Members of the public raised questions regarding the culture of DSP due to the coins; however, current law prohibits the use of DSP insignia when a person is trying to impersonate a police officer, not when used for commercial purposes. DSP reports that the bill is intended to stop the use of the shield, badge, insignia, emblem, or shoulder patch adopted by DSP for commercial purposes when the person does not have the permission of the Secretary of State Police.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three sessions.

Designated Cross File: None.

Information Source(s): Department of State Police; Judiciary (Administrative Office of the Courts); Maryland State Commission on Criminal Sentencing Policy; Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2023
km/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Public Safety – Use of Department of State Police Articles for
Commercial Purposes – Prohibitions

BILL NUMBER: **SB 700**

PREPARED BY: Department of State Police

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 XX WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS