

# SENATE BILL 287

E4, C3  
HB 1280/23 – JUD

(PRE-FILED)

4lr4564  
CF HB 172

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By: **Chair, Judicial Proceedings Committee (By Request – Departmental – State Police)**

Requested: September 29, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

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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; altering the application requirements  
6 related to security guard agency licenses and commercial general liability insurance;  
7 requiring an applicant for a special police commission to submit two sets of  
8 fingerprints in a certain format to the Secretary; and generally relating to  
9 applications for professional occupations and the Department of State Police.

10 BY repealing and reenacting, without amendments,  
11 Article – Business Occupations and Professions  
12 Section 13–101(a), (g), (h), and (l)  
13 Annotated Code of Maryland  
14 (2018 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Business Occupations and Professions  
17 Section 13–403, 13–404.1, 19–304, and 19–308  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Business Occupations and Professions  
22 Section 19–101  
23 Annotated Code of Maryland  
24 (2018 Replacement Volume and 2023 Supplement)  
25 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
2 Article – Business Occupations and Professions  
3 Section 19–402 and 19–404.1  
4 Annotated Code of Maryland  
5 (2018 Replacement Volume and 2023 Supplement)  
6 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

7 BY repealing and reenacting, without amendments,  
8 Article – Public Safety  
9 Section 3–301  
10 Annotated Code of Maryland  
11 (2022 Replacement Volume and 2023 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Public Safety  
14 Section 3–304  
15 Annotated Code of Maryland  
16 (2022 Replacement Volume and 2023 Supplement)

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

19 **Article – Business Occupations and Professions**

20 13–101.

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

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

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

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

28 13–403.

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

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

32 (2) submit to the Secretary:

33 (i) a sworn application [on the form] **IN THE MANNER AND**

1 **FORMAT DESIGNATED BY** the Secretary [provides]; and

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

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

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

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

6 13–404.1.

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

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

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

14 (1) a renewal application [form];

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

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

18 (d) An individual periodically may renew the certification for an additional  
19 3–year term, if the individual:

20 (1) is otherwise entitled to be certified;

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

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

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

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

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

1 (3) submits to the Secretary:

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

4 (ii) two complete sets of the applicant's legible fingerprints taken [on  
5 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director  
6 of the Federal Bureau of Investigation.

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

10 (f) (1) Subject to paragraph (2) of this subsection, if a complete application for  
11 renewal of certification as required under this subtitle is not received by the Secretary at  
12 least 30 calendar days before the certification expires, the Secretary shall assess a late fee  
13 of \$5 per day until the application is received by the Secretary, unless the applicant did not  
14 make timely renewal because of incapacity, hospitalization, being called to active military  
15 duty, or other hardship.

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

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

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

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

25 19–101.

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

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

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

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

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

1 (f) "License" means, unless the context requires otherwise, a license issued by the  
2 Secretary to conduct a business to provide security guard services.

3 (g) "Licensed security guard agency" means a person who is licensed by the  
4 Secretary to conduct a business that provides security guard services.

5 (h) "Police officer" has the meaning stated in § 2–101 of the Criminal Procedure  
6 Article.

7 (i) "Representative member" means a firm member who is appointed under §  
8 19–302(b) of this title to act on behalf of the firm.

9 (j) "Secretary", unless the context requires otherwise, means the Secretary of  
10 State Police.

11 (k) "Security guard" means an individual who, regardless of whether the  
12 individual is described as a security guard, watchman, or private patrolman or by other  
13 title:

14 (1) (i) is an employee of a security guard agency; and

15 (ii) provides security guard services to another person on behalf of  
16 the security guard agency; or

17 (2) (i) is an employee of a security guard employer; and

18 (ii) provides security guard services to the security guard employer.

19 (l) (1) "Security guard agency" means a person who conducts a business that  
20 provides security guard services.

21 (2) "Security guard agency" does not include:

22 (i) a person that is primarily engaged in the business of owning,  
23 maintaining, or otherwise managing property; or

24 (ii) a security guard employer.

25 (m) (1) "Security guard employer" means a person who employs security  
26 guards only to provide security guard services to the person.

27 (2) "Security guard employer" does not include a security guard agency.

28 (n) "Security guard services" includes any activity that is performed for  
29 compensation as a security guard to protect any individual or property, except the activities  
30 of an individual while performing as:

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

3 (2) a special police officer appointed and while performing under Title 3,  
4 Subtitle 3 of the Public Safety Article or § 16–16 of the Code of Public Local Laws of  
5 Baltimore City; or

6 (3) an unarmed employee of a bar, tavern, or restaurant.

7 19–304.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (i) two complete sets of the applicant's legible fingerprints taken [on  
2 forms] IN A FORMAT approved by the Director of the Central Repository and the Director  
3 of the Federal Bureau of Investigation;

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

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

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

12 (4) Information obtained from the Central Repository under this section  
13 shall be:

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

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

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

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

21 (i) the name of the applicant;

22 (ii) the age of the applicant;

23 (iii) the address of the applicant; and

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

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

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

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

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

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

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

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

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

9 1. an individual applicant; or

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

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

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

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

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

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

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

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

31 19-308.

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



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

3 (c) At least 1 month before a license expires, the Secretary shall [mail or]  
4 electronically transmit to the licensee **A NOTICE THAT STATES:**

5 (1) [a renewal application form; and

6 (2) a notice that states:

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

8 [(ii) (2) that the Secretary must receive the renewal application  
9 and the statements required under § 19-309 of this subtitle, at least 15 days before the  
10 license expiration date, for the renewal to be issued and mailed before the license expires;

11 [(iii) (3) the amount of the renewal fee;

12 [(iv) (4) that, if the statements required under § 19-309 of this  
13 subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per  
14 day shall be charged against the licensee until the statements are received; and

15 [(v) (5) that the submission of a false statement in the renewal  
16 application or in the annual statements is cause for revocation of the license.

17 (d) A licensee periodically may renew the license for an additional 3-year term, if  
18 the licensee:

19 (1) otherwise is entitled to be licensed;

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

21 (i) a renewal fee of:

22 1. \$200, if the licensee is an individual; or

23 2. \$400, if the licensee is a firm;

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

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

27 (3) submits to the Secretary:

1 (i) a renewal application [on the form that the Secretary provides]  
2 **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

3 (ii) a complete set of the applicant's legible fingerprints taken [on  
4 federal fingerprint cards] **IN A FORMAT APPROVED BY THE DIRECTOR OF THE**  
5 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**  
6 **INVESTIGATION;**

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 or a security guard employer;

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

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

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

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

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

26 (iv) a declaration under the penalties of perjury stating whether:

27 1. the individual has been convicted of:

28 A. a disqualifying crime, under § 5-101 of the Public Safety  
29 Article; or

1 B. a crime of violence, under § 14–101 of the Criminal Law  
2 Article;

3 2. if currently or formerly employed as a police officer, the  
4 individual has had any formal findings by a court, hearing board, or other governmental  
5 entity of unlawful or excessive use of force or of making a false statement during the  
6 individual's employment with the law enforcement agency; and

7 3. the individual plans to carry a handgun in the course of  
8 providing security guard services; and

9 (v) documentation that the individual has either:

10 1. satisfactorily completed 12 hours of initial security  
11 training that is approved by the Maryland Police Training and Standards Commission  
12 under § 19–412 of this subtitle; or

13 2. been employed as a police officer in the 3 years  
14 immediately preceding the application;

15 (5) pay to the licensed security guard agency or the security guard  
16 employer, for forwarding to the Secretary, the fees authorized under § 19–304(c) of this  
17 title; and

18 (6) be at least 18 years old.

19 (b) On receipt from an applicant for certification as a security guard, a licensed  
20 security guard agency or security guard employer shall forward to the Secretary the  
21 applicant's application [form], fingerprint cards, and criminal history records check fees.

22 (c) (1) Subject to paragraph (2) of this subsection, an applicant for certification  
23 as a security guard shall complete 12 hours of initial security training that is approved by  
24 the Maryland Police Training and Standards Commission under § 19–412 of this subtitle.

25 (2) An applicant for certification may not be required to complete the  
26 training specified in paragraph (1) of this subsection if the applicant:

27 (i) has been employed as a police officer in the 3 years immediately  
28 preceding the application; and

29 (ii) provides supporting documentation with the application for  
30 certification as a security guard in accordance with subsection (a)(4)(v)2 of this section.

31 19–404.1.

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

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

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

6 (1) a renewal application [form];

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

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

10 (d) An individual periodically may renew the certification for an additional  
11 3-year term, if the individual:

12 (1) otherwise is entitled to be certified;

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

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

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

17 (iii) any late fee required under this subtitle;

18 (3) (i) satisfactorily completes 8 hours of continuing security training  
19 that is approved by the Maryland Police Training and Standards Commission under §  
20 19-412 of this subtitle; and

21 (ii) submits to the Secretary supporting documentation that  
22 demonstrates completion of the training; and

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

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

30 (2) (i) The Secretary may not charge a late fee under paragraph (1) of  
31 this subsection if the applicant did not make timely renewal because of incapacity,

1 hospitalization, being called to active military duty, or other hardship.

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

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

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

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

11 (g) At least 90 days before a certification expires, the licensed security guard  
12 agency or security guard employer shall submit a declaration to the Secretary under the  
13 penalties of perjury stating whether it knows that a certified security guard who provides  
14 security guard services on the security guard agency's behalf or for the security guard  
15 employer no longer satisfies all of the criteria for certification under § 19-402 of this  
16 subtitle.

## 17 Article – Public Safety

18 3-301.

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

20 (b) “Central Repository” has the meaning stated in § 10-101 of the Criminal  
21 Procedure Article.

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

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

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

26 3-304.

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

29 (2) A separate application is required for each individual applicant for a  
30 commission.

31 (b) (1) The employer of an applicant for a commission shall submit to the

1 Secretary:

2 (i) an application in the manner and format designated by the  
3 Secretary; and

4 (ii) subject to paragraph (4) of this subsection, an application fee of  
5 \$100 **IN A METHOD APPROVED BY THE SECRETARY**, to cover the cost of an investigation  
6 of the applicant.

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

9 (I) **TWO SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS**  
10 **TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**  
11 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;** and

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

13 (3) The application fee is nonrefundable.

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

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

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

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

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

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

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

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

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

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
8 1, 2024, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If  
9 the effective date of Chapter 763 is amended, this Act shall take effect on the taking effect  
10 of Chapter 763.