



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: January 31, 2023

BILL NUMBER: House Bill 145 **POSITION:** Oppose

BILL TITLE: Maryland Police Training and Standards Commission – Police Officer Certification – Eligibility

REVIEW AND ANALYSIS

This legislation seeks alter the eligibility requirements for an individual to be certified by the Maryland Police Training and Standards Commission (MPTSC) as a police officer. This legislation repeals a requirement for an applicant, who is a permanent legal resident of the United States and is an honorably discharged veteran of the United States armed forces, to apply for U.S. Citizenship prior to their certification as a police officer.

Under current law, the MPTSC shall certify, as a police officer, each individual who meets the standards of the Commission. The law was recently changed to allow the Commission to certify permanent legal residents of the U.S. who are honorably discharged veterans of the U.S. providing they have applied for U.S. citizenship prior to their application for certification. To date, the MPTSC has not received any applications for the certification of a permanent legal resident meeting this criterion.

This legislation seeks to repeal the citizenship requirement for certain law enforcement officers. While it appears to be a simple idea to allow a permanent legal resident of the United States who is an honorably discharged veteran of the United States armed forces, this does present some issues for police departments, especially the Department of State Police (DSP).

Background checks of the applicant can prove very difficult. Contacting references can be problematic. If the applicant is a U.S. citizen, Maryland law enforcement can either make a personal visit in the case of a Maryland resident or contact another law enforcement agency, where the applicant resided in the U.S., to assist in the process. With an applicant from a foreign country, the agency must rely on the police department of the foreign country or Interpol. The Maryland Coordination and Analysis Center uses these sources for information on foreign nationals and advised the information is not timely, and depending on the country the information may not be reliable. Police agencies have to look beyond the person's military service when performing the background investigations for any applicant.

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Another major concern of hiring legal permanent residents are the limitations on the assignments these new officers can perform. According to the F.B.I. and the U.S. Marshal's Service, a state or local law enforcement officer may not be deputized to work on any federal task force unless they are a U.S. citizen. Troopers used for the presidential inauguration are deputized during their time working the event. Troopers hired under HB 145 would be prohibited from working the event. Additionally, they may not receive or view classified or sensitive information from the federal government. This also means they cannot supervise anyone on a task force or work in an intelligence fusion center. These limitations require the law enforcement agency to maintain two lists for every assignment, transfer or promotion.

The U.S. military has a program to expedite the process for citizenship of permanent legal residents who are serving by assisting the applicant with the application and the documents needed to move forward while they are serving. Once the permanent resident is discharged that process is not open to them.

For these reasons, the Maryland Department of State Police urges the Committee to give House Bill 145 an unfavorable report.