

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 190

(Chair, Judiciary Committee)(By Request - Departmental
- Public Safety and Correctional Services)

Judiciary

Judicial Proceedings

Public Safety - Maryland Police Training and Standards Commission -
Psychological Consultation and Evaluation

This departmental bill alters the standards required to be developed by the Maryland Police Training and Standards Commission (MPTSC) relating to psychological assessments of law enforcement officers under specified circumstances. In addition, the bill modifies the statutory requirements related to the psychological evaluations of law enforcement officers that must be met before MPTSC may certify individuals as police officers. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: The Department of Public Safety and Correctional Services (DPSCS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: MPTSC is required to develop standards for the mandatory psychological *consultation with*, instead of *evaluation of*, a law enforcement officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting or has returned from combat deployment. In addition, the bill

repeals the requirement that a psychologist approved by the commission conduct the psychological evaluation required for certification of a person as a police officer.

Current Law: Chapter 519 of 2016 reconstituted the former Police Training Commission as MPTSC, an independent commission within DPSCS. 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 a criminal history records check and a psychological evaluation by a psychologist approved by the commission. 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 is required to develop standards for the mandatory psychological evaluation of a law enforcement officer who was actively involved in an incident when another person was seriously injured or killed as a result of an accident or a shooting or has returned from combat deployment.

Current regulations require that before an applicant may be selected for a position as a police officer, the applicant must be examined by a licensed, trained, and qualified mental health care professional and receive a positive recommendation from the mental health care professional indicating that the applicant is emotionally and mentally fit and able to perform the duties of a police officer as the duties are determined by the law enforcement agency.

Background: Training for the certification of law enforcement officers in the State may be conducted at MPTSC facilities or at any of 20 police training academies in the State certified by MPTSC. There are approximately 16,500 certified police officers in Maryland.

MPTSC advises that law enforcement agencies throughout the State have historically and successfully used licensed mental health professionals and psychologists in determining suitability of police applicants.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore City; City of Bowie; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2018
mm/lgc Third Reader - March 13, 2018
Revised - Amendment(s) - March 13, 2018

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Emotional and Mental Fitness Consultation – Police Training and Standards Commission

BILL NUMBER: HB 190

PREPARED BY: Rachel Sessa, Director of Government & Legislative Affairs

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

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