

HOUSE BILL 433

E4

(9lr0684)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegates Fraser-Hidalgo, Pena-Melnyk, Atterbeary, Barve, Korman, Shetty, and Wilkins**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Maryland Police Training and Standards Commission – Police Officer**
3 **Certification – Eligibility**
4 **(Freedom to Serve Act)**

5 FOR the purpose of altering the eligibility requirements for an individual to be certified by
6 the Maryland Police Training and Standards Commission as a police officer to
7 require an individual to be either a United States citizen or a certain permanent
8 legal resident of the United States who is an honorably discharged veteran of the
9 United States armed forces; providing for the termination of a certification under
10 certain circumstances; ~~providing for the construction of this Act;~~ and generally
11 relating to police officer certification.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 3–209
 2 Annotated Code of Maryland
 3 (2018 Replacement Volume)

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

6 **Article – Public Safety**

7 3–209.

8 (a) The Commission shall certify as a police officer each individual who:

9 (1) (i) satisfactorily meets the standards of the Commission; or

10 (ii) provides the Commission with sufficient evidence that the
 11 individual has satisfactorily completed a training program in another state of equal quality
 12 and content as required by the Commission;

13 (2) submits to a psychological evaluation; [and]

14 (3) submits to a criminal history records check in accordance with §
 15 3–209.1 of this subtitle; AND

16 (4) (I) IS A UNITED STATES CITIZEN; OR

17 (II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IS A
 18 PERMANENT LEGAL RESIDENT OF THE UNITED STATES AND AN HONORABLY
 19 DISCHARGED VETERAN OF THE UNITED STATES ARMED FORCES, PROVIDED THAT
 20 THE INDIVIDUAL HAS APPLIED TO OBTAIN OR AFFIRMS AN INTENT TO OBTAIN
 21 UNITED STATES CITIZENSHIP AND THE APPLICATION IS STILL PENDING APPROVAL
 22 WITHIN 10 YEARS OF THE EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT
 23 AGENCY.

24 ~~(C)~~ (B) THE CERTIFICATION OF A POLICE OFFICER WHO FAILS TO OBTAIN
 25 ~~OR APPLY TO OBTAIN UNITED STATES CITIZENSHIP AS REQUIRED BY SUBSECTION~~
 26 ~~(A)(4)(II) OF THIS SECTION UNITED STATES CITIZENSHIP WITHIN 10 YEARS OF THE~~
 27 ~~OFFICER'S EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY AS~~
 28 ~~REQUIRED BY SUBSECTION (A)(4)(II) OF THIS SECTION SHALL BE TERMINATED BY~~
 29 THE COMMISSION.

30 [(b)] ~~(D)~~ (C) The Commission may certify as a police officer an individual who is not
 31 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the
 32 selection and training standards of the Commission.

1 [(c)] ~~(E)~~ (D) Each certificate issued to a police officer under this subtitle remains the
2 property of the Commission.

3 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed~~
4 ~~to establish a cause of action against a law enforcement agency for failure to hire an~~
5 ~~individual who is not a citizen of the United States.~~

6 SECTION ~~2~~ ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.