

SENATE BILL 608

E4

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By: **Senator Jackson**

Introduced and read first time: January 29, 2021

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2021

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Maryland Police Training and Standards Commission**

3 FOR the purpose of altering a certain provision of law authorizing a member of the
4 Maryland Police Training and Standards Commission to designate a certain
5 representative to act at a certain meeting to the same effect as if the member were
6 personally present to require that the designation be made in writing; providing that
7 the Secretary of State Police is the chair of the Commission; requiring the
8 Commission to conduct certain job task analyses at certain intervals; altering and
9 reorganizing provisions of law relating to the powers and duties of the Commission;
10 altering provisions of law that require the Commission to develop certain standards,
11 programs, best practices, systems, and regulations to instead require the
12 Commission to maintain certain standards, programs, best practices, systems, and
13 regulations; requiring the Commission to post certain information on its website;
14 providing that a law enforcement agency may employ an individual as a police officer
15 for a certain period only if the individual is certified by the Commission; providing
16 that a law enforcement agency may employ an individual as a police officer for a
17 certain period only if the individual is provisionally certified by the Commission;
18 requiring a certain individual to submit to a medical evaluation to be certified as a
19 police officer; substituting the term “certification card” for “certificate”; altering a
20 provision of law providing for the submission of fingerprints to the Criminal Justice
21 Information System Central Repository as part of an application for certification as
22 a police officer; altering a provision of law relating to the lapse of a police officer’s
23 certification from the Commission; requiring the Commission to hold a certain
24 hearing within a certain period of time after receiving a request for a hearing by a
25 certain police officer; repealing a requirement that the Commission follow certain

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.



1 procedures and that a police officer is entitled to certain rights during a certain
2 hearing; repealing a requirement that the Commission order a certain law
3 enforcement agency to pay certain costs and fees; authorizing the Commission to
4 suspend or revoke the certification of a police officer if the police officer has been
5 convicted of certain crimes; altering a provision of law relating to the recall of the
6 certification card of a police officer by the Commission; altering a provision of law
7 relating to the recertification of a police officer whose certification has been revoked;
8 repealing certain provisions relating to certification of nonfull-time police officers;
9 making clarifying changes; altering certain definitions; defining a certain term;
10 making conforming and stylistic changes; and generally relating to the Maryland
11 Police Training and Standards Commission.

12 BY repealing and reenacting, without amendments,
13 Article – Public Safety
14 Section 3–201(a) and (b) and 3–202
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2020 Supplement)

17 BY adding to
18 Article – Public Safety
19 Section 3–201(e)
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Public Safety
24 Section 3–201(e) through (g), 3–203(c), 3–204, 3–207, 3–209, 3–209.1, and 3–211
25 through 3–215
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2020 Supplement)

28 BY repealing
29 Article – Public Safety
30 Section 3–210 and 3–216
31 Annotated Code of Maryland
32 (2018 Replacement Volume and 2020 Supplement)

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

35 **Article – Public Safety**

36 3–201.

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

1 (b) "Commission" means the Maryland Police Training and Standards
2 Commission.

3 (E) "MENTAL HEALTH PROFESSIONAL" MEANS A PERSON CERTIFIED OR
4 LICENSED TO PROVIDE MENTAL HEALTH SERVICES UNDER THE HEALTH
5 OCCUPATIONS ARTICLE.

6 [(e)] (F) "Motorcycle profiling" means the arbitrary use of the fact that an
7 individual rides a motorcycle or wears motorcycle-related clothing or paraphernalia as a
8 factor in deciding to stop, question, take enforcement action, arrest, or search the individual
9 or vehicle.

10 [(f)] (G) (1) "Police officer" means an individual who:
11 (i) is authorized to enforce the general criminal laws of the State;
12 and
13 (ii) is a member of one of the following law enforcement agencies:
14 1. the Department of State Police;
15 2. the Police Department of Baltimore City;
16 3. the police department, bureau, or force of a county;
17 4. the police department, bureau, or force of a municipal
18 corporation;
19 5. the Maryland Transit Administration police force;
20 6. the Maryland Transportation Authority Police;
21 7. the police forces of the University System of Maryland;
22 8. the police force of Morgan State University;
23 9. the office of the sheriff of a county;
24 10. the police forces of the Department of Natural Resources;
25 11. the police force of the Maryland Capitol Police of the
26 Department of General Services;
27 12. the police force of a State, county, or municipal corporation
28 if the special police officers are appointed under Subtitle 3 of this title;
29 13. the Housing Authority of Baltimore City Police Force;

- 1 14. the Baltimore City School Police Force;
- 2 15. the Crofton Police Department;
- 3 16. the Washington Suburban Sanitary Commission Police
4 Force;
- 5 17. the Ocean Pines Police Department;
- 6 18. the police force of the Baltimore City Community College;
- 7 19. the police force of the Hagerstown Community College;
- 8 20. the parole and probation employees of the Warrant
9 Apprehension Unit of the Division of Parole and Probation in the Department who are
10 authorized to make arrests;
- 11 21. the police force of the Anne Arundel Community College;
12 or
- 13 22. the police department of the Johns Hopkins University
14 established in accordance with Title 24, Subtitle 12 of the Education Article.

15 (2) "Police officer" includes:

- 16 (i) a member of the Field Enforcement Bureau of the Comptroller's
17 Office;
- 18 (ii) a member of the Field Enforcement Division of the Alcohol and
19 Tobacco Commission;
- 20 (iii) the State Fire Marshal or a deputy State fire marshal;
- 21 (iv) an investigator of the Intelligence and Investigative Division of
22 the Department;
- 23 (v) a Montgomery County fire and explosive investigator as defined
24 in § 2-208.1 of the Criminal Procedure Article;
- 25 (vi) an Anne Arundel County or City of Annapolis fire and explosive
26 investigator as defined in § 2-208.2 of the Criminal Procedure Article;
- 27 (vii) a Prince George's County fire and explosive investigator as
28 defined in § 2-208.3 of the Criminal Procedure Article;

1 (viii) a Worcester County fire and explosive investigator as defined in
2 § 2–208.4 of the Criminal Procedure Article;

3 (ix) a City of Hagerstown fire and explosive investigator as defined
4 in § 2–208.5 of the Criminal Procedure Article; and

5 (x) a Howard County fire and explosive investigator as defined in §
6 2–208.6 of the Criminal Procedure Article.

7 (3) “Police officer” does not include:

8 (i) an individual who serves as a police officer only because the
9 individual occupies another office or position;

10 (ii) a sheriff, the Secretary of State Police, a commissioner of police,
11 a deputy or assistant commissioner of police, a chief of police, a deputy or assistant chief of
12 police, or another individual with an equivalent title who is appointed or employed by a
13 government to exercise equivalent supervisory authority; or

14 (iii) a member of the Maryland National Guard who:

15 1. is under the control and jurisdiction of the Military
16 Department;

17 2. is assigned to the military property designated as the
18 Martin State Airport; and

19 3. is charged with exercising police powers in and for the
20 Martin State Airport.

21 [(g)] (H) [“SWAT team”] **“SPECIAL TACTICAL RESPONSE TEAM”** means an
22 agency–designated unit of law enforcement officers who are selected, trained, and equipped
23 to work as a coordinated team to resolve critical incidents that are so hazardous, complex,
24 or unusual that they may exceed the capabilities of first responders or investigative units.

25 3–202.

26 There is a Maryland Police Training and Standards Commission, which is an
27 independent commission that functions in the Department.

28 3–203.

29 (c) Except for [the appointed members] **A MEMBER APPOINTED BY THE**
30 **GOVERNOR**, a member of the Commission may serve personally at a Commission meeting
31 or may designate, **IN WRITING**, a representative from the member’s unit, agency, or
32 association who may act at any meeting to the same effect as if the member were personally
33 present.

1 3–204.

2 (A) **THE SECRETARY OF STATE POLICE IS THE CHAIR OF THE COMMISSION.**

3 (B) The Commission annually shall elect a [chair and] vice chair from among its
4 members.

5 3–207.

6 (a) The Commission [has the following powers and duties] **SHALL:**

7 (1) [to] establish standards for the approval and continuation of approval
8 of ~~schools~~ **EACH SCHOOL** that ~~conduct~~ **CONDUCTS** police entrance–level and in–service
9 training courses required by the Commission, including **EACH** State, regional, county, and
10 municipal training ~~schools~~ **SCHOOL**;

11 (2) **CONDUCT JOB TASK ANALYSES FOR ENTRANCE–LEVEL POLICE**
12 **OFFICERS EVERY 10 YEARS BEGINNING ON OR BEFORE DECEMBER 31, 2021;**

13 (3) [to] approve and issue certificates of approval to police training schools;

14 [(3)] (4) [to] inspect police training schools;

15 [(4)] (5) [to] revoke, for cause, the approval or certificate of approval
16 issued to a police training school;

17 [(5)] (6) [to] establish the following for police training schools:

18 (i) curriculum;

19 (ii) minimum courses of study;

20 (iii) attendance requirements;

21 (iv) eligibility requirements;

22 (v) equipment and facilities;

23 (vi) standards of operation; and

24 (vii) minimum qualifications for instructors;

25 [(6) to require, for entrance–level police training and at least every 3 years
26 for in–service level police training conducted by the State and each county and municipal

1 police training school, that the curriculum and minimum courses of study include special
2 training, attention to, and study of the application and enforcement of:

3 (i) the criminal laws concerning rape and sexual offenses, including
4 the sexual abuse and exploitation of children and related evidentiary procedures;

5 (ii) the criminal laws concerning human trafficking, including
6 services and support available to victims and the rights and appropriate treatment of
7 victims;

8 (iii) the criminal laws concerning hate crimes, including the
9 recognition of, response to, and reporting of incidents required to be reported under §
10 2–307 of this article;

11 (iv) the contact with and treatment of victims of crimes and
12 delinquent acts;

13 (v) the notices, services, support, and rights available to victims and
14 victims' representatives under State law; and

15 (vi) the notification of victims of identity fraud and related crimes of
16 their rights under federal law;]

17 (7) [to] certify [and issue appropriate certificates to] qualified instructors
18 for police training schools authorized by the Commission to offer police training programs;

19 (8) [to] verify that police officers have satisfactorily completed [training
20 programs and issue diplomas to those police officers] **ENTRANCE–LEVEL TRAINING**
21 **PROGRAMS;**

22 (9) [to] conduct and operate police training schools authorized by the
23 Commission to offer police training programs;

24 (10) [to] make a continuous study of entrance–level and in–service training
25 methods and procedures;

26 [(11) to consult with and accept the cooperation of any recognized federal,
27 State, or municipal law enforcement agency or educational institution;

28 (12) to consult and cooperate with universities, colleges, and institutions in
29 the State to develop specialized courses of study for police officers in police science and
30 police administration;

31 (13) to consult and cooperate with other agencies and units of the State
32 concerned with police training;

1 (14) to develop, with the cooperation of the Office of the Chief Medical
2 Examiner and the Federal Bureau of Investigation, a uniform missing person report form
3 to be available for use by each law enforcement agency of the State on or before October 1,
4 2008;]

5 (11) ON OR BEFORE AUGUST 15 EACH YEAR, POST ON THE
6 COMMISSION'S WEBSITE AND NOTIFY EACH LAW ENFORCEMENT AGENCY IN THE
7 STATE OF:

8 (I) ALL TRAINING TOPICS DESCRIBED IN ITEMS (14) THROUGH
9 (16) OF THIS SUBSECTION; AND

10 (II) ALL TRAINING TOPICS THAT WILL BE REQUIRED IN THE
11 NEXT CALENDAR YEAR;

12 (12) VERIFY THAT POLICE OFFICERS CERTIFIED BY THE COMMISSION
13 MAINTAIN A CURRENT CERTIFICATION IN LIFESAVING TECHNIQUES, INCLUDING
14 CARDIOPULMONARY RESUSCITATION;

15 (13) CONSULT WITH ANY RECOGNIZED FEDERAL, STATE, COUNTY, OR
16 MUNICIPAL LAW ENFORCEMENT AGENCY OR EDUCATIONAL INSTITUTION,
17 INSTITUTION THAT SPECIALIZES IN COURSES OF STUDY FOR POLICE OFFICERS, OR
18 AGENCY OR UNIT OF THE STATE INVOLVED IN POLICE TRAINING;

19 [(15)] (14) [to] require, for entrance-level police training and annually for
20 in-service level police training conducted by the State and each county and municipal police
21 training school, that the curriculum and minimum courses of study include, for police
22 officers who are issued an electronic control device by a law enforcement agency, special
23 training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal
24 Law Article, consistent with established law enforcement standards and federal and State
25 constitutional provisions;

26 [(16)] to require, for entrance-level police training and, as determined by the
27 Commission, for in-service level training conducted by the State and each county and
28 municipal police training school, that the curriculum and minimum courses of study
29 include, consistent with established law enforcement standards and federal and State
30 constitutional provisions:

31 (i) training in lifesaving techniques, including Cardiopulmonary
32 Resuscitation (CPR);

33 (ii) training in the proper level and use of force;

34 (iii) training regarding sensitivity to cultural and gender diversity;

35 and

1 (iv) training regarding individuals with physical, intellectual,
2 developmental, and psychiatric disabilities;]

3 [(17)] (15) [to] require, for entrance-level police training and at least every
4 2 years for in-service level police training conducted by the State and each county and
5 municipal police training school, that the curriculum and minimum courses of study
6 include special training, attention to, and study of the application of antidiscrimination and
7 use of force de-escalation training;

8 [(18) to develop, with the cooperation of the Office of the Attorney General,
9 the Governor's Office of Crime Prevention, Youth, and Victim Services, and the Federal
10 Trade Commission, a uniform identity fraud reporting form that:

11 (i) makes transmitted data available on or before October 1, 2011,
12 for use by each law enforcement agency of State and local government; and

13 (ii) may authorize the data to be transmitted to the Consumer
14 Sentinel program in the Federal Trade Commission;

15 (19) to adopt and recommend a set of best practices and standards for use of
16 force;]

17 (16) REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT
18 LEAST EVERY 3 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY
19 THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT
20 THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING,
21 ATTENTION TO, AND STUDY OF:

22 (I) THE CRIMINAL LAWS CONCERNING RAPE AND SEXUAL
23 OFFENSES, INCLUDING THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN AND
24 RELATED EVIDENTIARY PROCEDURES;

25 (II) THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING,
26 INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS AND
27 APPROPRIATE TREATMENT OF VICTIMS;

28 (III) THE CONTACT WITH AND TREATMENT OF VICTIMS OF
29 CRIMES AND DELINQUENT ACTS;

30 (IV) THE NOTICES, SERVICES, SUPPORT, AND RIGHTS
31 AVAILABLE TO VICTIMS AND VICTIMS' REPRESENTATIVES UNDER STATE LAW;

32 (V) THE NOTIFICATION OF VICTIMS OF IDENTITY FRAUD AND
33 RELATED CRIMES OF THEIR RIGHTS UNDER FEDERAL LAW;

1 **(VI) TRAINING IN THE USE OF FORCE ~~AND~~, DE-ESCALATION, AND**
2 **THE DUTY OF A POLICE OFFICER TO INTERVENE WHEN THE POLICE OFFICER**
3 **OBSERVES ANOTHER OFFICER USING FORCE THAT IS EXCESSIVE OR VIOLATES THE**
4 **USE OF FORCE POLICIES OF THE STATE OR THE LAW ENFORCEMENT AGENCY THAT**
5 **EMPLOYS THE POLICE OFFICER;**

6 **(VII) TRAINING IN THE RECOGNITION AND PREVENTION OF**
7 **DISCRIMINATION BASED ON:**

- 8 1. **RACE;**
- 9 2. **COLOR;**
- 10 3. **RELIGION OR CREED;**
- 11 4. **NATIONAL ORIGIN OR ANCESTRY;**
- 12 5. **SEX;**
- 13 6. **SEXUAL ORIENTATION;**
- 14 7. **GENDER IDENTITY;**
- 15 8. **AGE;**
- 16 9. **PHYSICAL OR MENTAL DISABILITY;**
- 17 10. **MARITAL STATUS;**
- 18 11. **VETERAN STATUS;**
- 19 12. **GENETIC INFORMATION;**
- 20 13. **CITIZENSHIP; OR**
- 21 14. **CULTURE; AND**

22 **(VIII) ALL ASPECTS OF PROFILING, INCLUDING:**

23 1. **PROFILING IN WHICH AN INDIVIDUAL IS IMPROPERLY**
24 **TARGETED AS A SUSPECT OF A CRIME BECAUSE OF THE PERSON'S RACE, ETHNICITY,**
25 **RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC;**

1 **2. PROFILING IN WHICH A SUSPECT’S RACE, ETHNICITY,**
2 **RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC HAS BEEN REPORTED DURING**
3 **THE COURSE OF AN INVESTIGATION; AND**

4 **3. MOTORCYCLE PROFILING;**

5 [(20)] (17) [to] evaluate and modernize recruitment standards and
6 practices of law enforcement agencies to increase diversity within those law enforcement
7 agencies and develop strategies for recruiting women and African American, Hispanic or
8 Latino, and other minority candidates;

9 [(21)] (18) [to develop] **MAINTAIN** standards for the mandatory
10 psychological consultation with a law enforcement officer who was actively involved in an
11 incident when another person was seriously injured or killed as a result of an accident or a
12 shooting or has returned from combat deployment;

13 [(22)] (19) [to require:

14 (i)] **REQUIRE, ON OR BEFORE DECEMBER 31, 2021,** a statement
15 condemning motorcycle profiling to be included in existing written policies regarding other
16 profiling; [and

17 (ii) for entrance–level police training and for in–service level
18 training conducted by the State and each county and municipal police training school, that
19 the curriculum and minimum courses of study include, consistent with established law
20 enforcement standards and federal and State constitutional provisions, training related to
21 motorcycle profiling in conjunction with existing training regarding other profiling;]

22 [(23)] (20) [to] perform any other act, including adopting regulations, that
23 is necessary or appropriate to carry out the powers and duties of the Commission under
24 this subtitle; and

25 [(24)] (21) [to consult and cooperate with commanders of SWAT teams to
26 develop] **MAINTAIN** standards for training and deployment of [SWAT] **SPECIAL**
27 **TACTICAL RESPONSE** teams and of law enforcement officers [who are not members of a
28 SWAT team] who conduct no–knock warrant service in the State based on best practices in
29 the State and nationwide.

30 (b) (1) The Commission shall [develop] **MAINTAIN** a system by which law
31 enforcement agencies report to the Commission on the number of serious officer–involved
32 incidents each year, the number of officers disciplined each year, and the type of discipline
33 administered to those officers.

34 (2) The Commission shall annually summarize the information submitted
35 by law enforcement agencies and:

1 (i) **ON OR BEFORE MARCH 31 EACH YEAR**, post the summary,
2 excluding the names of officers and other involved parties, on a website maintained by the
3 Commission; and

4 (ii) submit the summary to the General Assembly, as provided in §
5 2–1257 of the State Government Article.

6 (c) **(1)** [In consultation with the Maryland Department of Health, the] **THE**
7 Commission shall establish a confidential hotline that is available for police officers and
8 other law enforcement personnel to contact and speak with a trained peer law enforcement
9 officer or a mental health professional who may provide initial counseling advice and
10 confidential referral to appropriate services.

11 **(2) THE COMMISSION SHALL POST ON ITS WEBSITE INFORMATION**
12 **REGARDING THE CONFIDENTIAL HOTLINE ESTABLISHED UNDER THIS SUBSECTION.**

13 (d) The Commission shall:

14 (1) [establish] **MAINTAIN** a Police Complaint Mediation Program to which
15 a law enforcement agency may refer a nonviolent complaint made against a police officer
16 out of the standard complaint process;

17 (2) refer a complaint referred to the Program to voluntary mediation
18 conducted by an independent mediation service; and

19 (3) [adopt] **MAINTAIN** regulations to implement the Program, including
20 criteria concerning eligibility for referral of complaints.

21 (e) (1) The Commission shall [develop] **ANNUALLY REVIEW AND UPDATE AS**
22 **APPROPRIATE** best practices for the establishment and implementation of a community
23 policing program in each jurisdiction.

24 (2) The Commission shall [develop] **MAINTAIN** a system by which each
25 local law enforcement agency annually files a detailed description of the law enforcement
26 agency's community policing program.

27 (3) The Commission shall annually:

28 (i) review each community policing program filed in accordance
29 with § 3–517 of this title; and

30 (ii) provide each agency with any comments that the Commission
31 has to improve the agency's community policing program.

32 (f) (1) The Commission shall [develop] **MAINTAIN** a uniform citizen complaint
33 process to be followed by each law enforcement agency.

1 (2) The uniform complaint process shall:

2 (i) be simple;

3 (ii) require that a complainant be informed of the final disposition of
4 the complainant's complaint and any discipline imposed as a result; and

5 (iii) be posted on the websites of the Commission and each law
6 enforcement agency.

7 (g) The Commission shall [develop] MAINTAIN and administer a training
8 program on the Law Enforcement Officers' Bill of Rights and matters relating to police
9 procedures for citizens who intend to qualify to participate as a member of a hearing board
10 under § 3-107 of this title.

11 (h) The Commission shall distribute the victim's representation notification form
12 developed by the Governor's Office of Crime Prevention, Youth, and Victim Services under
13 § 12-206.1(e) of the Transportation Article to each law enforcement agency in the State.

14 (i) The Commission, in consultation with the Maryland State's Attorneys'
15 Association, shall develop and maintain a uniform, statewide training and certification
16 curriculum to ensure use of best practices in investigating compliance with court orders to
17 surrender regulated firearms, rifles, and shotguns under § 6-234 of the Criminal Procedure
18 Article.

19 3-209.

20 (a) **(1) A LAW ENFORCEMENT AGENCY MAY EMPLOY AN INDIVIDUAL AS A**
21 **POLICE OFFICER FOR A PERIOD EXCEEDING 1 YEAR ONLY IF THE INDIVIDUAL IS**
22 **CERTIFIED BY THE COMMISSION.**

23 **(2) A LAW ENFORCEMENT AGENCY MAY EMPLOY AN INDIVIDUAL AS A**
24 **POLICE OFFICER FOR A PERIOD NOT EXCEEDING 1 YEAR ONLY IF THE INDIVIDUAL**
25 **IS PROVISIONALLY CERTIFIED BY THE COMMISSION.**

26 **(B)** The Commission shall certify as a police officer each individual who:

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

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

31 (2) submits to a psychological evaluation;

1 **(3) SUBMITS TO A MEDICAL EVALUATION;**

2 **[(3)] (4)** submits to a criminal history records check in accordance with §
3 3–209.1 of this subtitle; and

4 **[(4)] (5)** (i) is a United States citizen; or

5 (ii) subject to subsection **[(b)] (C)** of this section, is a permanent legal
6 resident of the United States and an honorably discharged veteran of the United States
7 armed forces, provided that the individual has applied to obtain United States citizenship
8 and the application is still pending approval.

9 **[(b)] (C)** The certification of a police officer who fails to obtain United States
10 citizenship as required by subsection **[(a)(4)(ii)] (B)(5)(II)** of this section shall be
11 **[terminated] REVOKED** by the Commission.

12 **[(c)] (D)** The Commission may certify as a police officer an individual who is not
13 considered a police officer under **[\$ 3–201(f)(3)] § 3–201(G)(3)** of this subtitle if the
14 individual meets the selection and training standards of the Commission.

15 **[(d)] (E)** Each **[certificate] CERTIFICATION CARD** issued to a police officer
16 under this subtitle remains the property of the Commission.

17 3–209.1.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Applicant” means an individual who is seeking certification as a police
20 officer.

21 (3) “Central Repository” means the Criminal Justice Information System
22 Central Repository of the Department of Public Safety and Correctional Services.

23 (b) An applicant for certification as a police officer shall apply to the Central
24 Repository for a State and national criminal history records check.

25 (c) As part of the application for a criminal history records check, an applicant
26 shall submit to the Central Repository[:

27 (1) a complete set of legible fingerprints **[taken on forms] IN A MANNER**
28 approved by the Director of the Central Repository and the Director of the Federal Bureau
29 of Investigation[;] **AND IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER §**
30 **10–221 OF THE CRIMINAL PROCEDURE ARTICLE PROVIDING FOR THE**
31 **ESTABLISHMENT AND COLLECTION OF FEES FOR OBTAINING CRIMINAL HISTORY**
32 **RECORD INFORMATION.**

1 [(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure
2 Article for access to Maryland criminal history records; and

3 (3) the processing fee required by the Federal Bureau of Investigation for
4 a national criminal history records check.]

5 (d) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure
6 Article, the Central Repository shall forward to the Commission and the applicant a printed
7 statement of the applicant’s criminal history record information.

8 (e) Information obtained from the Central Repository under this section:

9 (1) shall be confidential;

10 (2) may not be disseminated; and

11 (3) may be used only for the [licensing] **CERTIFICATION** purpose
12 authorized by this title.

13 (f) The subject of a criminal history records check under this section may contest
14 the contents of the printed statement issued by the Central Repository as provided in §
15 10–223 of the Criminal Procedure Article.

16 (g) If criminal history record information is reported to the Central Repository
17 after the date of the initial criminal history records check, the Central Repository shall
18 provide to the Commission a revised statement of the applicant’s or certified police officer’s
19 State criminal history record.

20 [3–210.

21 (a) The certification of a police officer automatically lapses 3 years after the date
22 of the previous certification.

23 (b) If the certification of a police officer lapses, the police officer may apply for
24 recertification immediately.

25 (c) The Commission may recertify a police officer after the certification of the
26 police officer lapses.]

27 3–211.

28 **(a) THE CERTIFICATION OF A POLICE OFFICER SHALL LAPSE ON JUNE 30**
29 **OF THE CALENDAR YEAR FOLLOWING THE MOST RECENT CERTIFICATION UNLESS**
30 **THE OFFICER HAS SATISFIED THE REQUIREMENTS ESTABLISHED UNDER § 3–209 OF**
31 **THIS SUBTITLE.**

1 **(B)** If the certification of a police officer is in danger of lapsing or has lapsed
2 because of the failure of the police officer to meet the standards of the Commission, the
3 police officer may request a hearing before the Commission to present evidence that:

4 (1) the police officer's law enforcement agency unreasonably failed to
5 provide the police officer with the required training or assigned the police officer to special
6 duty that prevented the police officer from completing the required training to achieve this
7 certification; and

8 (2) this failure is through no fault of the police officer.

9 **[(b) (1)] (C)** On request of the police officer for a hearing under this section,
10 the Commission shall hold a hearing **WITHIN 90 DAYS OF THE REQUEST**.

11 **[(2)** For purposes of this subsection, the Commission shall follow the
12 procedures required for a hearing board under the Law Enforcement Officers' Bill of Rights
13 and the police officer is entitled to all of the rights provided under the Law Enforcement
14 Officers' Bill of Rights.]

15 **[(c)] (D)** If the Commission concludes that the police officer's law enforcement
16 agency unreasonably failed to provide the police officer with the required training or
17 assigned the police officer to special duty that prevented the police officer from completing
18 the required training to achieve certification:

19 (1) the Commission shall stay the lapse of the certification until the police
20 officer and the police officer's law enforcement agency meet the training requirements of
21 the Commission; **AND**

22 (2) the police officer shall be retained in the police officer's law enforcement
23 agency at full pay pending the completion of the training[]; and

24 (3) the Commission shall order the police officer's law enforcement agency
25 to pay all reasonable hearing costs and attorney's fees incurred as a result of the action].

26 3-212.

27 (a) Subject to the hearing provisions of subsection (b) of this section, the
28 Commission may suspend or revoke the certification of a police officer if the police officer:

29 (1) violates or fails to meet the Commission's standards; [or]

30 (2) knowingly fails to report suspected child abuse in violation of § 5-704
31 of the Family Law Article;

32 **(3) HAS BEEN CONVICTED OF A FELONY; OR**

1 **(4) HAS BEEN CONVICTED OF A MISDEMEANOR THAT CARRIES A**
2 **STATUTORY PENALTY OF MORE THAN 1 YEAR.**

3 (b) (1) Except as otherwise provided in Title 10, Subtitle 2 of the State
4 Government Article, before the Commission takes any final action under subsection (a) of
5 this section, the Commission shall give the individual against whom the action is
6 contemplated an opportunity for a hearing before the Commission.

7 (2) The Commission shall give notice and hold the hearing in accordance
8 with Title 10, Subtitle 2 of the State Government Article.

9 (c) A police officer aggrieved by the findings and order of the Commission may
10 take an appeal as allowed in §§ 10–222 and 10–223 of the State Government Article.

11 3–213.

12 The Commission may recall the [certificate] **CERTIFICATION CARD** of a police
13 officer if [the certification of the police officer is suspended or revoked for any of the
14 following reasons]:

15 (1) the [certificate] **CERTIFICATION CARD** was issued by administrative
16 error;

17 (2) the [certificate] **CERTIFICATION CARD** was obtained through
18 misrepresentation or fraud; **OR**

19 (3) [the police officer has been convicted of a felony; or

20 (4) the police officer has been convicted of a misdemeanor for which a
21 sentence of imprisonment exceeding 1 year may be imposed] **THE CERTIFICATION OF THE**
22 **POLICE OFFICER HAS BEEN SUSPENDED OR REVOKED.**

23 3–214.

24 (a) If the certification of a police officer is revoked, the police officer may not apply
25 for recertification until 2 years after the effective date of the revocation order.

26 (b) The Commission may recertify an [individual] **APPLICANT FOR**
27 **RECERTIFICATION** as a police officer **NOT EARLIER THAN 2 YEARS** after the [certification
28 of the police officer is revoked] **EFFECTIVE DATE OF THE REVOCATION ORDER.**

29 3–215.

30 (a) (1) In this section the following words have the meanings indicated.

1 (2) [“Permanent appointment” means the appointment of an individual
2 who has satisfactorily met the minimum standards of the Commission and is certified as a
3 police officer.

4 (3) “Police administrator” means a police officer who has been promoted to
5 first–line administrative duties up to but not exceeding the rank of captain.

6 (4) “Police supervisor” means a police officer who has been promoted to
7 first–line supervisory duties.] **“FIRST LINE ADMINISTRATOR” MEANS A POLICE
8 OFFICER WHO HAS BEEN APPOINTED TO FIRST LINE ADMINISTRATIVE DUTIES AS
9 DEFINED BY THE AGENCY THAT EMPLOYS THE POLICE OFFICER.**

10 **(3) “FIRST LINE SUPERVISOR” MEANS A POLICE OFFICER WHO HAS
11 BEEN APPOINTED TO FIRST LINE SUPERVISORY DUTIES AS DEFINED BY THE AGENCY
12 THAT EMPLOYS THE POLICE OFFICER.**

13 (b) An individual may not be given or accept a probationary appointment or
14 permanent appointment as a police officer, [police supervisor, or police administrator]
15 **FIRST LINE SUPERVISOR, OR FIRST LINE ADMINISTRATOR** unless the individual
16 satisfactorily meets the qualifications established by the Commission.

17 (c) A probationary appointment as a police officer, [police supervisor, or police
18 administrator] **FIRST LINE SUPERVISOR, OR FIRST LINE ADMINISTRATOR** may be made
19 for a period not exceeding 1 year to enable the individual seeking permanent appointment
20 to take a training course required by this subtitle.

21 (d) A probationary appointee is entitled to a leave of absence with pay during the
22 period of the training program.

23 [3–216.

24 (a) A law enforcement agency may not employ an individual as a police officer for
25 a period not exceeding 1 year unless the individual is certified by the Commission.

26 (b) (1) In this subsection, “nonfull–time police officer” means an individual
27 who does not work in the law enforcement field at least 7 months during the calendar year.

28 (2) The certification requirements of subsection (a) of this section do not
29 apply to the nonfull–time police officers of a law enforcement agency that:

30 (i) employs, during a calendar year, at least 70 full–time sworn
31 police officers; and

32 (ii) employs at least 100 nonfull–time police officers.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.