

HOUSE BILL 1280

E4, C3

3lr3093

By: **Delegate Taylor**

Introduced and read first time: February 24, 2023

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 28, 2023

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2023

CHAPTER _____

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; requiring an applicant for a
6 commission as a special police officer to submit two sets of fingerprints in a certain
7 format to the Secretary; and generally relating to applications for professional
8 occupations and the Department of State Police.

9 BY repealing and reenacting, without amendments,
10 Article – Business Occupations and Professions
11 Section 13–101(a), (g), (h), and (l) and 19–101
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Occupations and Professions
16 Section 13–403, 13–404.1, 19–304, 19–308, 19–402, and 19–404.1
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Public Safety
21 Section 3–301

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 Annotated Code of Maryland
2 (2022 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Public Safety
5 Section 3–304
6 Annotated Code of Maryland
7 (2022 Replacement Volume)

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

10 **Article – Business Occupations and Professions**

11 13–101.

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

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

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

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

19 13–403.

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

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

23 (2) submit to the Secretary:

24 (i) a sworn application [on the form] **IN THE MANNER AND**
25 **FORMAT DESIGNATED BY** the Secretary [provides]; and

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

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

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

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

1 13-404.1.

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

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

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

9 (1) a renewal application [form];

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

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

13 (d) An individual periodically may renew the certification for an additional
14 3-year term, if the individual:

15 (1) is otherwise entitled to be certified;

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

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

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

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

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

23 (3) submits to the Secretary:

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

26 (ii) two complete sets of the applicant's legible fingerprints taken on
27 forms approved by the Director of the Central Repository and the Director of the Federal
28 Bureau of Investigation.

29 (e) In accordance with §§ 10-201 through 10-234 of the Criminal Procedure

1 Article, the Central Repository shall forward to the applicant and the Department of State
2 Police a printed statement of the applicant's criminal history records information.

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

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

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

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

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

18 19–101.

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

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

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

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

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

27 (f) “License” means, unless the context requires otherwise, a license issued by the
28 Secretary to conduct a business to provide security guard services.

29 (g) “Licensed security guard agency” means a person who is licensed by the
30 Secretary to conduct a business that provides security guard services.

31 (h) “Representative member” means a firm member who is appointed under §
32 19–302(b) of this title to act on behalf of the firm.

1 (i) "Secretary", unless the context requires otherwise, means the Secretary of
2 State Police.

3 (j) "Security guard" means an individual who provides security guard services to
4 any person on behalf of a security guard agency, regardless of whether the individual is
5 described as a security guard, watchman, or private patrolman or by other title.

6 (k) (1) "Security guard agency" means a person who conducts a business that
7 provides security guard services.

8 (2) "Security guard agency" does not include a person that is primarily
9 engaged in the business of owning, maintaining, or otherwise managing property.

10 (l) "Security guard services" includes any activity that is performed for
11 compensation as a security guard to protect any individual or property, except the activities
12 of an individual while performing as:

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

15 (2) a special police officer appointed and while performing under Title 3,
16 Subtitle 3 of the Public Safety Article or § 16-16 of the Code of Public Local Laws of
17 Baltimore City.

18 19-304.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (i) two complete sets of the applicant's legible fingerprints taken on
10 forms approved by the Director of the Central Repository and the Director of the Federal
11 Bureau of Investigation;

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

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

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

20 (4) Information obtained from the Central Repository under this section
21 shall be:

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

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

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

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

29 (i) the name of the applicant;

30 (ii) the age of the applicant;

31 (iii) the address of the applicant; and

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

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

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

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

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

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

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

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

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

16 1. an individual applicant; or

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

18 (e) The application [form] provided by the Secretary shall contain a statement
19 advising the applicant that willfully making a false statement on an application is a
20 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19-605 and
21 19-607 of this title.

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

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

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

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

1 (h) An applicant for a license who intends to employ at least five individuals as
2 security guards shall submit with the application proof of commercial general liability
3 insurance, including errors and omissions and completed operations with a \$1,000,000 total
4 aggregate minimum, as required under § 19–504 of this title.

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

8 19–308.

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

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

12 (c) At least 1 month before a license expires, the Secretary shall mail or
13 electronically transmit to the licensee:

14 (1) a renewal application [form]; and

15 (2) a notice that states:

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

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

20 (iii) the amount of the renewal fee;

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

24 (v) that the submission of a false statement in the renewal
25 application or in the annual statements is cause for revocation of the license.

26 (d) A licensee periodically may renew the license for an additional 3–year term, if
27 the licensee:

28 (1) otherwise is entitled to be licensed;

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

30 (i) a renewal fee of:

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

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

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

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

6 (3) submits to the Secretary:

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

9 (ii) a complete set of the applicant's legible fingerprints taken on
10 federal fingerprint cards;

11 (iii) the statements required under § 19–309 of this subtitle and any
12 other documentation that may be required by the Secretary to renew the agency license
13 under this subtitle; and

14 (iv) two photographs of the applicant in a format approved by the
15 Secretary.

16 (e) The Secretary shall renew the license of each licensee who meets the
17 requirements of this section.

18 19–402.

19 (a) To qualify for certification as a security guard, an individual shall:

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

21 (2) be an employee of or an applicant for employment with a licensed
22 security guard agency;

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

24 (4) submit to the licensed security guard agency, for forwarding to the
25 Secretary:

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

28 (ii) the fingerprints required under § 19–304(c) of this title; and

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

1 (5) pay to the licensed security guard agency, for forwarding to the
2 Secretary, the fees authorized under § 19–304(c) of this title.

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

6 19–404.1.

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

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

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

13 (1) a renewal application [form];

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

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

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

19 (1) otherwise is entitled to be certified;

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

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

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

24 (iii) any late fee required under this subtitle; and

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

27 (e) (1) Subject to paragraph (2) of this subsection, if a complete application for
28 renewal of certification as required under this subtitle is not received by the Secretary on
29 or before the first business day of the next calendar month immediately following the

1 renewal date, the Secretary shall assess a late fee of \$5 per day until the application is
2 received by the Secretary.

3 (2) (i) The Secretary may not charge a late fee under paragraph (1) of
4 this subsection if the applicant did not make timely renewal because of incapacity,
5 hospitalization, being called to active military duty, or other hardship.

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

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

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

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

15 Article – Public Safety

16 3–301.

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

18 (b) “Central Repository” has the meaning stated in § 10–101 of the Criminal
19 Procedure Article.

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

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

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

24 3–304.

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

27 (2) A separate application is required for each individual applicant for a
28 commission.

29 (b) (1) The employer of an applicant for a commission shall submit to the
30 Secretary:

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

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

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

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

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

12 (3) The application fee is nonrefundable.

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

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

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

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

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

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

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

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

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

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

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

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.