

HOUSE BILL 172

E4, C3
HB 1280/23 – JUD

(PRE-FILED)

4lr4565
CF SB 287

By: **Chair, Judiciary Committee (By Request – Departmental – State Police)**

Requested: September 29, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judiciary

A BILL ENTITLED

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; altering the application requirements
6 related to security guard agency licenses and commercial general liability insurance;
7 requiring an applicant for a special police commission to submit two sets of
8 fingerprints in a certain format to the Secretary; and generally relating to
9 applications for professional occupations and the Department of State Police.

10 BY repealing and reenacting, without amendments,
11 Article – Business Occupations and Professions
12 Section 13–101(a), (g), (h), and (l)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Business Occupations and Professions
17 Section 13–403, 13–404.1, 19–304, and 19–308
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2023 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Business Occupations and Professions
22 Section 19–101
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2023 Supplement)
25 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

26 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Business Occupations and Professions
2 Section 19–402 and 19–404.1
3 Annotated Code of Maryland
4 (2018 Replacement Volume and 2023 Supplement)
5 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

6 BY repealing and reenacting, without amendments,
7 Article – Public Safety
8 Section 3–301
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Public Safety
13 Section 3–304
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2023 Supplement)

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

18 **Article – Business Occupations and Professions**

19 13–101.

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

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

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

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

27 13–403.

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

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

31 (2) submit to the Secretary:

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

- 1 (ii) the fingerprints required under § 13–304(c)(2)(i) of this title; and
- 2 (3) pay to the Secretary **IN A METHOD APPROVED BY THE SECRETARY:**
- 3 (i) an application fee of \$15; and
- 4 (ii) the fees required under § 13–304(c)(2) of this title.

5 13–404.1.

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

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 [deliver]
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) is otherwise 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) the fee authorized under § 10–221(b)(7) of the Criminal
23 Procedure Article for access to Maryland criminal history records;

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

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

27 (3) submits to the Secretary:

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

3 (ii) two complete sets of the applicant's legible fingerprints taken [on
4 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director
5 of the Federal Bureau of Investigation.

6 (e) In accordance with §§ 10–201 through 10–234 of the Criminal Procedure
7 Article, the Central Repository shall forward to the applicant and the Department of State
8 Police a printed statement of the applicant's criminal history records information.

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

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

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

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

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

24 19–101.

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

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

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

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

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

1 (f) "License" means, unless the context requires otherwise, a license issued by the
2 Secretary to conduct a business to provide security guard services.

3 (g) "Licensed security guard agency" means a person who is licensed by the
4 Secretary to conduct a business that provides security guard services.

5 (h) "Police officer" has the meaning stated in § 2–101 of the Criminal Procedure
6 Article.

7 (i) "Representative member" means a firm member who is appointed under §
8 19–302(b) of this title to act on behalf of the firm.

9 (j) "Secretary", unless the context requires otherwise, means the Secretary of
10 State Police.

11 (k) "Security guard" means an individual who, regardless of whether the
12 individual is described as a security guard, watchman, or private patrolman or by other
13 title:

14 (1) (i) is an employee of a security guard agency; and

15 (ii) provides security guard services to another person on behalf of
16 the security guard agency; or

17 (2) (i) is an employee of a security guard employer; and

18 (ii) provides security guard services to the security guard employer.

19 (l) (1) "Security guard agency" means a person who conducts a business that
20 provides security guard services.

21 (2) "Security guard agency" does not include:

22 (i) a person that is primarily engaged in the business of owning,
23 maintaining, or otherwise managing property; or

24 (ii) a security guard employer.

25 (m) (1) "Security guard employer" means a person who employs security
26 guards only to provide security guard services to the person.

27 (2) "Security guard employer" does not include a security guard agency.

28 (n) "Security guard services" includes any activity that is performed for
29 compensation as a security guard to protect any individual or property, except the activities
30 of an individual while performing as:

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

3 (2) a special police officer appointed and while performing under Title 3,
4 Subtitle 3 of the Public Safety Article or § 16–16 of the Code of Public Local Laws of
5 Baltimore City; or

6 (3) an unarmed employee of a bar, tavern, or restaurant.
7 19–304.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (i) two complete sets of the applicant's legible fingerprints taken [on

1 forms] IN A FORMAT approved by the Director of the Central Repository and the Director
2 of the Federal Bureau of Investigation;

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

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

7 (3) In accordance with §§ 10–201 through 10–235 of the Criminal
8 Procedure Article, the Central Repository shall forward to the applicant and the
9 Department of State Police a printed statement of the applicant’s criminal history record
10 information.

11 (4) Information obtained from the Central Repository under this section
12 shall be:

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

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

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

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

20 (i) the name of the applicant;

21 (ii) the age of the applicant;

22 (iii) the address of the applicant; and

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

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

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

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

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

30 (i) the address of the applicant’s proposed principal place of

1 business and of each proposed branch office;

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

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

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

8 1. an individual applicant; or

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

10 (e) The application [form] provided by the Secretary shall contain a statement
11 advising the applicant that willfully making a false statement on an application is a
12 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19–605 and
13 19–607 of this title.

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

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

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

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

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

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

30 19–308.

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

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

3 (c) At least 1 month before a license expires, the Secretary shall [mail or]
4 electronically transmit to the licensee **A NOTICE THAT STATES:**

5 (1) [a renewal application form; and

6 (2) a notice that states:

7 (i)] the date on which the current license expires;

8 [(ii)] **(2)** that the Secretary must receive the renewal application
9 and the statements required under § 19-309 of this subtitle, at least 15 days before the
10 license expiration date, for the renewal to be issued and mailed before the license expires;

11 [(iii)] **(3)** the amount of the renewal fee;

12 [(iv)] **(4)** that, if the statements required under § 19-309 of this
13 subtitle are not received at least 15 days before the license expiration date, a fee of \$10 per
14 day shall be charged against the licensee until the statements are received; and

15 [(v)] **(5)** that the submission of a false statement in the renewal
16 application or in the annual statements is cause for revocation of the license.

17 (d) A licensee periodically may renew the license for an additional 3-year term, if
18 the licensee:

19 (1) otherwise is entitled to be licensed;

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

21 (i) a renewal fee of:

22 1. \$200, if the licensee is an individual; or

23 2. \$400, if the licensee is a firm;

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

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

27 (3) submits to the Secretary:

28 (i) a renewal application [on the form that the Secretary provides]

1 **IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;**

2 (ii) a complete set of the applicant's legible fingerprints taken [on
3 federal fingerprint cards] **IN A FORMAT APPROVED BY THE DIRECTOR OF THE**
4 **CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF**
5 **INVESTIGATION;**

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

9 (iv) two photographs of the applicant in a format approved by the
10 Secretary.

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

13 19–402.

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

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

16 (2) be an employee of or an applicant for employment with a licensed
17 security guard agency or a security guard employer;

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

19 (4) submit to the licensed security guard agency or the security guard
20 employer, for forwarding to the Secretary:

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

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

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

25 (iv) a declaration under the penalties of perjury stating whether:

26 1. the individual has been convicted of:

27 A. a disqualifying crime, under § 5–101 of the Public Safety
28 Article; or

29 B. a crime of violence, under § 14–101 of the Criminal Law

1 Article;

2 2. if currently or formerly employed as a police officer, the
3 individual has had any formal findings by a court, hearing board, or other governmental
4 entity of unlawful or excessive use of force or of making a false statement during the
5 individual's employment with the law enforcement agency; and

6 3. the individual plans to carry a handgun in the course of
7 providing security guard services; and

8 (v) documentation that the individual has either:

9 1. satisfactorily completed 12 hours of initial security
10 training that is approved by the Maryland Police Training and Standards Commission
11 under § 19-412 of this subtitle; or

12 2. been employed as a police officer in the 3 years
13 immediately preceding the application;

14 (5) pay to the licensed security guard agency or the security guard
15 employer, for forwarding to the Secretary, the fees authorized under § 19-304(c) of this
16 title; and

17 (6) be at least 18 years old.

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

21 (c) (1) Subject to paragraph (2) of this subsection, an applicant for certification
22 as a security guard shall complete 12 hours of initial security training that is approved by
23 the Maryland Police Training and Standards Commission under § 19-412 of this subtitle.

24 (2) An applicant for certification may not be required to complete the
25 training specified in paragraph (1) of this subsection if the applicant:

26 (i) has been employed as a police officer in the 3 years immediately
27 preceding the application; and

28 (ii) provides supporting documentation with the application for
29 certification as a security guard in accordance with subsection (a)(4)(v)2 of this section.

30 19-404.1.

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

32 (b) Unless a certification is renewed for a 3-year term as provided in this section,

1 the certification expires on the date the Secretary sets.

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

5 (1) a renewal application [form];

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

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

9 (d) An individual periodically may renew the certification for an additional
10 3-year term, if the individual:

11 (1) otherwise is entitled to be certified;

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

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

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

16 (iii) any late fee required under this subtitle;

17 (3) (i) satisfactorily completes 8 hours of continuing security training
18 that is approved by the Maryland Police Training and Standards Commission under §
19 19-412 of this subtitle; and

20 (ii) submits to the Secretary supporting documentation that
21 demonstrates completion of the training; and

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

24 (e) (1) Subject to paragraph (2) of this subsection, if a complete application for
25 renewal of certification as required under this subtitle is not received by the Secretary on
26 or before the first business day of the next calendar month immediately following the
27 renewal date, the Secretary shall assess a late fee of \$5 per day until the application is
28 received by the Secretary.

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

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

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

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

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

10 (g) At least 90 days before a certification expires, the licensed security guard
11 agency or security guard employer shall submit a declaration to the Secretary under the
12 penalties of perjury stating whether it knows that a certified security guard who provides
13 security guard services on the security guard agency's behalf or for the security guard
14 employer no longer satisfies all of the criteria for certification under § 19-402 of this
15 subtitle.

16 Article – Public Safety

17 3-301.

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

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

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

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

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

25 3-304.

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

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

30 (b) (1) The employer of an applicant for a commission shall submit to the
31 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:

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

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2024, the effective date of Chapter 763 of the Acts of the General Assembly of 2023. If
9 the effective date of Chapter 763 is amended, this Act shall take effect on the taking effect
10 of Chapter 763.