

SENATE BILL 287

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HB 1280/23 – JUD

(PRE-FILED)

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CF HB 172

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

Requested: September 29, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

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,~~
5 security guard, security systems technician, and railroad police officer and for a
6 license to provide security guard services; altering the application requirements
7 related to security guard agency, private detective agency, and security systems
8 agency licenses and commercial general liability insurance; requiring an applicant
9 for a special police commission to submit two sets of fingerprints in a certain format
10 to the Secretary; and generally relating to applications for professional occupations
11 and the Department of State Police.

12 BY repealing and reenacting, without amendments,
13 Article – Business Occupations and Professions
14 Section 13–101(a), (g), (h), and (l)
15 Annotated Code of Maryland
16 (2018 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Business Occupations and Professions
19 Section 13–304, 13–308, 13–403, 13–404.1, 18–303, 18–307, 18–3A–03, 18–3A–07,
20 19–304, and 19–308
21 Annotated Code of Maryland

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 (2018 Replacement Volume and 2023 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Business Occupations and Professions
4 Section 19–101
5 Annotated Code of Maryland
6 (2018 Replacement Volume and 2023 Supplement)
7 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

8 BY repealing and reenacting, with amendments,
9 Article – Business Occupations and Professions
10 Section 19–402 and 19–404.1
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2023 Supplement)
13 (As enacted by Chapter 763 of the Acts of the General Assembly of 2023)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 3–301
17 Annotated Code of Maryland
18 (2022 Replacement Volume and 2023 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 3–304 and 3–404
22 Annotated Code of Maryland
23 (2022 Replacement Volume and 2023 Supplement)

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

26 **Article – Business Occupations and Professions**

27 13–101.

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

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

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

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

35 13–304.

- 1 (a) (1) An applicant for a license shall:
- 2 (i) submit to the Secretary an application [on the form that] IN THE
3 MANNER AND FORMAT DESIGNATED BY the Secretary [provides];
- 4 (ii) submit the documents required under this section; and
- 5 (iii) pay to the Secretary, IN A METHOD APPROVED BY THE
6 SECRETARY, the fees required under subsection (b) of this section.
- 7 (2) If the applicant is a firm, the representative member shall complete the
8 application [form] and otherwise be responsible for the firm's compliance with this section.
- 9 (b) (1) An applicant for a license shall pay to the Secretary an application fee
10 of:
- 11 (i) \$200, if the applicant is an individual; or
- 12 (ii) \$375, if the applicant is a firm; and
- 13 (iii) the fees authorized under subsection (c)(2) of this section.
- 14 (2) (i) As part of the application for a license, the applicant shall submit
15 to the Secretary the fingerprints required under subsection (c)(2)(i) of this section.
- 16 (ii) If the applicant is a firm, the applicant shall pay the cost of the
17 fingerprint card record checks for each firm member.
- 18 (c) (1) The Department of State Police shall apply to the Central Repository
19 for a State and national criminal history records check for each applicant.
- 20 (2) As part of the application for a criminal history records check, the
21 Department of State Police shall submit to the Central Repository:
- 22 (i) two complete sets of the applicant's legible fingerprints taken on
23 forms approved by the Director of the Central Repository and the Director of the Federal
24 Bureau of Investigation;
- 25 (ii) the fee authorized under § 10-221(b)(7) of the Criminal
26 Procedure Article for access to Maryland criminal history records; and
- 27 (iii) the mandatory processing fee required by the Federal Bureau of
28 Investigation for a national criminal history records check.
- 29 (3) In accordance with §§ 10-201 through 10-234 of the Criminal
30 Procedure Article, the Central Repository shall forward to the applicant and the

1 Department of State Police a printed statement of the applicant's criminal history record
2 information.

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

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

8 (i) the name of the applicant;

9 (ii) the age of the applicant;

10 (iii) the address of the applicant; and

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

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

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

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

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

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

20 (ii) any trade or fictitious name that the applicant intends to use
21 while conducting the business of the private detective agency;

22 (iii) the submission of a facsimile of any trademark that the applicant
23 intends to use while conducting the business of the private detective agency; and

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

26 1. an individual applicant; or

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

28 (e) The application [form] provided by the Secretary shall contain a statement
29 advising the applicant that willfully making a false statement on an application is a

1 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 13–705 and
2 13–707 of this title.

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

5 (2) If the applicant is a firm, the application [form] shall be signed, under
6 oath, by the representative member, as the representative member, and by all the other
7 firm members.

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

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

12 (h) An applicant for a license who intends to employ at least 5 individuals as
13 private detectives shall submit with the application proof of commercial general liability
14 insurance, including errors and omissions and completed operations with a \$1,000,000 total
15 aggregate minimum, as required under § 13–604 of this title.

16 (i) In addition to meeting the other requirements of this section, a nonresident
17 applicant shall submit a consent and any related document, as required by § 13–605 of this
18 title.

19 13–308.

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

21 (b) Unless a license is renewed for a 3–year term as provided in this section, the
22 license expires on the day that the Secretary sets.

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

25 (1) [a renewal application form; and

26 (2) a notice that states:

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

28 [(ii)] (2) that the Secretary must receive the renewal application
29 and the statements required under § 13–309 of this subtitle, at least 15 days before the
30 license expiration date, for the renewal to be issued and mailed before the license expires;

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

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

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

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

8 (1) otherwise is entitled to be licensed;

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

10 (i) a renewal fee of:

11 1. \$200, if the licensee is an individual; or

12 2. \$400, if the licensee is a firm; and

13 (ii) any late fee required under § 13–309 of this subtitle; and

14 (3) submits to the Secretary:

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

17 (ii) the statements required under § 13–309 of this subtitle.

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

20 13–403.

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

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

24 (2) submit to the Secretary:

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

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

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

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

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

4 13–404.1.

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

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

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

12 (1) a renewal application [form];

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

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

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

18 (1) is otherwise entitled to be certified;

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

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

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

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

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

26 (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 18–303.

25 (a) An applicant for a license shall:

26 (1) submit to the Secretary an application [on the form that] **IN THE**
27 **MANNER AND FORMAT DESIGNATED BY** the Secretary [provides];

28 (2) submit the documents required by this section; and

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

30 (i) an application fee of \$100;

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

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

3 (b) The application [form] provided by the Secretary shall contain a statement
4 advising the applicant that willfully making a false statement on an application is a
5 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18–504 of this
6 title.

7 (c) If the applicant is a firm, the representative member shall complete the
8 application [form] and otherwise be responsible for the firm’s compliance with this section.

9 (d) (1) The application shall be accompanied by at least two written
10 recommendations for the applicant.

11 (2) Each recommendation shall be signed, under oath, by a reputable
12 citizen of the State.

13 (e) (1) An applicant for a license shall submit with the application [a set] **TWO**
14 **COMPLETE SETS** of **THE APPLICANT’S** legible fingerprints [of the applicant on a form]
15 **TAKEN IN A FORMAT** approved by the [Criminal Justice Information System] **DIRECTOR**
16 **OF THE** Central Repository and the Director of the Federal Bureau of Investigation.

17 (2) If the applicant is a firm, the applicant shall pay the cost of the
18 fingerprint [card] records check for each firm member.

19 (f) An applicant for a license shall submit with the application a copy of a bond
20 or proof of insurance in accordance with the requirements of § 18–401 of this title.

21 (g) The Secretary may waive the requirements of subsections (a)(2) and (3), (d),
22 and (e) of this section and issue a license to an applicant who:

23 (1) provides adequate evidence that the applicant:

24 (i) is licensed to engage in the business of providing security
25 systems services in another state; and

26 (ii) became licensed in the other state:

27 1. after meeting qualifications that are at least equivalent to
28 those required in this State; and

29 2. after submitting to a State and national criminal records
30 check; and

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

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

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

6 (3) submits to the Secretary:

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

9 (ii) two complete sets of the applicant’s legible fingerprints taken [on
10 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director
11 of the Federal Bureau of Investigation; and

12 (iii) satisfactory evidence of compliance with any other requirements
13 under this section for renewal of registration.

14 (e) In accordance with §§ 10–201 through 10–235 of the Criminal Procedure
15 Article, the Central Repository shall forward to the applicant and the Department of State
16 Police a printed statement of the applicant’s criminal history records information.

17 (f) The Secretary may waive the national criminal history records check required
18 under subsection (d) of this section for an applicant who was issued a license under §
19 18–303(g) of this subtitle if the applicant pays to the Secretary, **IN A METHOD APPROVED**
20 **BY THE SECRETARY,** a processing fee of \$100.

21 (g) If the renewal application was submitted as required in subsection (d) of this
22 section and the national criminal history records check required under this section is not
23 completed before the licensee’s license expires, the Secretary shall allow the licensee to
24 operate in a temporary license status if the licensee otherwise meets the requirements of
25 this section.

26 (h) A licensee may operate in a temporary license status at the time of renewal
27 only if the renewal application and all required documents and fees were submitted by the
28 expiration date of the license.

29 (i) The temporary license status shall expire at the earlier of:

30 (1) the completion of the national criminal history records check of the
31 applicant; or

32 (2) the renewal or denial of the license.

1 (j) The Secretary shall renew the license of each applicant who meets the
2 requirements of this section.

3 18-3A-03.

4 (a) An applicant for registration shall:

5 (1) submit to the Secretary an application [on the form that the Secretary
6 provides] IN THE MANNER AND FORMAT DESIGNATED BY THE SECRETARY;

7 (2) submit the documents required by this section; and

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

9 (i) an application fee that is the higher of \$15 or an amount the
10 Secretary determines based on actual processing costs; and

11 (ii) the cost of any background checks.

12 (b) The application [form] provided by the Secretary shall contain a statement
13 advising the applicant that willfully making a false statement on an application is a
14 misdemeanor, subject to a fine or imprisonment or both, as provided under § 18-504 of this
15 title.

16 (c) An applicant for registration shall submit with the application [a set] TWO
17 COMPLETE SETS of THE APPLICANT'S legible fingerprints [of the applicant on forms]
18 TAKEN IN A FORMAT approved by the [Criminal Justice Information System] DIRECTOR
19 OF THE Central Repository and the Director of the Federal Bureau of Investigation.

20 (d) The Secretary may waive the requirements of this section and register an
21 applicant who:

22 (1) provides adequate evidence that the applicant:

23 (i) is licensed in another state to engage in the business of providing
24 security systems services or registered in another state as a security systems technician or
25 other individual who has access to circumventational information; and

26 (ii) became licensed or registered in the other state:

27 1. after meeting qualifications that are at least equivalent to
28 those required in this State; and

29 2. after submitting to a State and national criminal records
30 check; and

1 (2) pays to the Secretary, **IN A METHOD APPROVED BY THE SECRETARY,**
2 a processing fee that is the higher of \$15 or an amount the Secretary determines based on
3 actual processing costs.

4 (e) A minor in an apprenticeship program approved by the Maryland Department
5 of Labor or a cooperative education program established under § 18-3A-02 of this subtitle
6 is not required to meet the criminal background check and fingerprint requirements of this
7 section.

8 18-3A-07.

9 (a) By regulation, the Secretary shall stagger the terms of the registrations under
10 this subtitle.

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

13 (c) At least 90 days before a registration expires, the applicant shall [deliver]
14 SUBMIT to the Secretary:

15 (1) a renewal application [form] **IN THE MANNER AND FORMAT**
16 **DESIGNATED BY THE SECRETARY;**

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

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

20 (d) An individual periodically may renew a registration for an additional 3-year
21 term if the individual:

22 (1) otherwise is entitled to be registered;

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

24 (i) a renewal fee that is the higher of \$15 or an amount which the
25 Secretary determines based on the actual processing costs;

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

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

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

1 (3) submits to the Secretary:

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

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

7 (iii) satisfactory evidence of compliance with any other requirements
8 under this section for renewal of registration.

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

12 (f) (1) Subject to paragraph (2) of this subsection, if a complete application for
13 renewal of registration as required under this subtitle is not received by the Secretary at
14 least 30 calendar days before the certification expires, the Secretary shall assess a late fee
15 of \$5 per day until the application is received by the Secretary.

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

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

20 (g) The Secretary may waive the national criminal history records check required
21 under subsection (d) of this section for an applicant who was registered under § 18–3A–03
22 of this subtitle if the applicant pays to the Secretary, **IN A METHOD APPROVED BY THE**
23 **SECRETARY,** a processing fee of \$15.

24 (h) If the renewal application was submitted as required under this section and
25 the national criminal history records check required under this section is not completed
26 before a registration expires, the Secretary shall allow the applicant to operate in a
27 temporary registration status if the applicant otherwise meets the requirements of this
28 section.

29 (i) The temporary registration status shall expire at the earlier of:

30 (1) the completion of the national criminal history records check of the
31 applicant; or

32 (2) the renewal or denial of the registration.

1 (j) (1) The Secretary shall renew the registration of each individual who meets
2 the requirements of this section.

3 (2) Within 5 days after the Secretary refuses to renew the registration of
4 an individual under this title, the Secretary shall send written notice of the refusal to the
5 individual who submitted the renewal application.

6 19–101.

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

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

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

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

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

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

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

19 (h) “Police officer” has the meaning stated in § 2–101 of the Criminal Procedure
20 Article.

21 (i) “Representative member” means a firm member who is appointed under §
22 19–302(b) of this title to act on behalf of the firm.

23 (j) “Secretary”, unless the context requires otherwise, means the Secretary of
24 State Police.

25 (k) “Security guard” means an individual who, regardless of whether the
26 individual is described as a security guard, watchman, or private patrolman or by other
27 title:

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

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

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

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

2 (l) (1) “Security guard agency” means a person who conducts a business that
3 provides security guard services.

4 (2) “Security guard agency” does not include:

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

7 (ii) a security guard employer.

8 (m) (1) “Security guard employer” means a person who employs security
9 guards only to provide security guard services to the person.

10 (2) “Security guard employer” does not include a security guard agency.

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

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

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

19 (3) an unarmed employee of a bar, tavern, or restaurant.

20 19–304.

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (i) two complete sets of the applicant's legible fingerprints taken [on
15 forms] **IN A FORMAT** approved by the Director of the Central Repository and the Director
16 of the Federal Bureau of Investigation;

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

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

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

25 (4) Information obtained from the Central Repository under this section
26 shall be:

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

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

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

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

- 3 (i) the name of the applicant;
- 4 (ii) the age of the applicant;
- 5 (iii) the address of the applicant; and
- 6 (iv) the current and previous employment of the applicant.

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

- 9 (i) a list of all of the firm members; and
- 10 (ii) for each firm member, the same information required regarding
11 an individual applicant under paragraph (1) of this subsection.

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

- 13 (i) the address of the applicant's proposed principal place of
14 business and of each proposed branch office;
- 15 (ii) any trade or fictitious name that the applicant intends to use
16 while conducting the business of the security guard agency;
- 17 (iii) the submission of a facsimile of any trademark that the applicant
18 intends to use while conducting the business of the security guard agency; and
- 19 (iv) as the Secretary considers appropriate, any other information to
20 assist in the evaluation of:

- 21 1. an individual applicant; or
- 22 2. if the applicant is a firm, any firm member.

23 (e) The application [form] provided by the Secretary shall contain a statement
24 advising the applicant that willfully making a false statement on an application is a
25 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 19–605 and
26 19–607 of this title.

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

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

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

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

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

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

15 19–308.

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

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

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

21 (1) [a renewal application form; and

22 (2) a notice that states:

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

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

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

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

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

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

5 (1) otherwise is entitled to be licensed;

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

7 (i) a renewal fee of:

8 1. \$200, if the licensee is an individual; or

9 2. \$400, if the licensee is a firm;

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

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

13 (3) submits to the Secretary:

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

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

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

23 (iv) two photographs of the applicant in a format approved by the
24 Secretary.

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

27 19–402.

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

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

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

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

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

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

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

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

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

11 1. the individual has been convicted of:

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

14 B. a crime of violence, under § 14–101 of the Criminal Law
15 Article;

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

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

22 (v) documentation that the individual has either:

23 1. satisfactorily completed 12 hours of initial security
24 training that is approved by the Maryland Police Training and Standards Commission
25 under § 19–412 of this subtitle; or

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

28 (5) pay to the licensed security guard agency or the security guard
29 employer, for forwarding to the Secretary, the fees authorized under § 19–304(c) of this
30 title; and

1 (6) be at least 18 years old.

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

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

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

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

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

14 19-404.1.

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

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

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

21 (1) a renewal application [form];

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

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

25 (d) An individual periodically may renew the certification for an additional
26 3-year term, if the individual:

27 (1) otherwise is entitled to be certified;

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

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

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

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

4 (3) (i) satisfactorily completes 8 hours of continuing security training
5 that is approved by the Maryland Police Training and Standards Commission under §
6 19-412 of this subtitle; and

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

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

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

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

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

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

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

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

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

1 3–301.

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

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

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

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

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

9 3–304.

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

12 (2) A separate application is required for each individual applicant for a
13 commission.

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

16 (i) an application in the manner and format designated by the
17 Secretary; and

18 (ii) subject to paragraph (4) of this subsection, an application fee of
19 \$100 **IN A METHOD APPROVED BY THE SECRETARY**, to cover the cost of an investigation
20 of the applicant.

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

23 **(I) TWO SETS OF THE APPLICANT’S LEGIBLE FINGERPRINTS**
24 **TAKEN IN A FORMAT APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY**
25 **AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;** and

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

27 (3) The application fee is nonrefundable.

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

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

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

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

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

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

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

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

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

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

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

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

24 3-404.

25 (a) The chief railroad police officer of a railroad company shall:

26 (1) submit to the Secretary under oath an application for appointment of
27 each railroad police officer [on the form that the Secretary requires] IN A MANNER AND
28 FORMAT DESIGNATED BY THE SECRETARY; and

29 (2) pay to the Secretary the application fee set by the Secretary IN A
30 METHOD APPROVED BY THE SECRETARY.

31 (b) The application fee is nonrefundable.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.