

Department of Legislative Services  
Maryland General Assembly  
2024 Session

FISCAL AND POLICY NOTE  
Third Reader - Revised

Senate Bill 729

(Senator Carter)

Judicial Proceedings

Economic Matters

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Business Occupations and Professions - Security Guards - Use of Force  
Reporting, Standards, and Certifications

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This bill requires the employer of a security guard providing security guard services on the premises of a health care facility to report every seven days to the Secretary of State Police on the number of code greens initiated for combative persons and code purples initiated for security only responses – as those emergency codes are identified in Title 10 of the Code of Maryland Regulations – occurring in the previous seven days. It also delays the effective date of Chapter 763 of 2023 from June 1, 2024, to January 1, 2025. **The bill takes effect June 1, 2024, except that provisions related to security guards at health care facilities take effect January 1, 2025; if the effective date of Chapter 763 of 2023 is amended, those provisions take effect on the same date as Chapter 763.**

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State operations or finances.

**Local Effect:** The bill is not anticipated to materially affect local government operations or finances.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The bill exempts employers of security guards at health care facilities from a requirement due to take effect June 1, 2024, that they report any use of force by a security guard to the Secretary of State Police within 48 hours of receiving notice of the

use of force, as specified by Chapter 763. It also prohibits a use of force report from including information that is prohibited from disclosure by State or federal law.

**Current Law:**

*Use of Force Reports and Security Guards*

Due to take effect June 1, 2024, Chapter 763, among other things, requires individuals serving as security guards and employed by security guard employers to also be certified by the Secretary of State Police. Chapter 763 also requires that a security guard report any use of force against a person while providing security guard services on behalf of the licensed security guard agency or for the security guard employer to the security guard agency or the security guard employer within 48 hours after the use of force occurs. However, a security guard is not required to report any use of force against a person within 48 hours after the use of force if the security guard is seriously injured or disabled. In addition, a licensed security guard agency or security guard employer must report any use of force by a security guard while providing security guard services on its behalf to the Secretary of State Police within 48 hours after receiving the report, as specified. The use of force report must include specified information, including the type of encounter, the type of force used, and the location of the incident where force was used.

As defined by Chapter 763, “use of force” means (1) any physical striking of an individual; (2) any significant physical contact that restricts the movement of an individual, including control techniques; or (3) the detainment of an individual without the individual’s consent. “Use of force” includes the discharge of a firearm, of pepper mace, and the use of an electronic control device, as specified. “Use of force” does not include mere presence, verbal commands, or escorting an individual with minimal resistance.

*Uniform Emergency Codes*

Each hospital must adopt and implement a specified set of uniform codes for identified emergency situations as a part of its emergency or disaster plans. Among other color codes, a Code Green is a combative person, and a Code Purple is a security only response.

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**Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 1277 (Delegates Embry and Amprey) - Economic Matters.

**Information Source(s):** Department of State Police; Maryland Department of Health;  
Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2024  
js/mcr Third Reader - March 19, 2024  
Revised - Amendment(s) - March 19, 2024

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Analysis by: Thomas S. Elder

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510