

SENATE BILL 110

E4
SB 389/22 – JPR

(PRE-FILED)

3lr0826

By: **Senator Jackson**

Requested: November 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the membership and duties of the Maryland Police Training
4 and Standards Commission; providing that a law enforcement agency may employ
5 an individual as a police officer for a certain period only if the individual is certified
6 or provisionally certified by the Commission; altering provisions of law relating to
7 the certification and recertification of police officers; and generally relating to the
8 Maryland Police Training and Standards Commission.

9 BY repealing and reenacting, without amendments,
10 Article – Public Safety
11 Section 3–201(a) and (b) and 3–202
12 Annotated Code of Maryland
13 (2022 Replacement Volume)

14 BY adding to
15 Article – Public Safety
16 Section 3–201(e)
17 Annotated Code of Maryland
18 (2022 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – Public Safety
21 Section 3–201(e) through (g), 3–203(c), 3–204, 3–207, 3–209, 3–209.1, 3–211, and
22 3–213 through 3–215
23 Annotated Code of Maryland
24 (2022 Replacement Volume)

25 BY repealing
26 Article – Public Safety

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 3–210 and 3–216
Annotated Code of Maryland
(2022 Replacement Volume)

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

Article – Public Safety

3–201.

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

(b) “Commission” means the Maryland Police Training and Standards
Commission.

**(E) “MENTAL HEALTH PROFESSIONAL” MEANS A PERSON CERTIFIED OR
LICENSED TO PROVIDE MENTAL HEALTH SERVICES UNDER THE HEALTH
OCCUPATIONS ARTICLE.**

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

[(f)] (G) (1) “Police officer” means an individual who:

(i) is authorized to enforce the general criminal laws of the State;
and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;
2. the Police Department of Baltimore City;
3. the police department, bureau, or force of a county;
4. the police department, bureau, or force of a municipal
corporation;
5. the Maryland Transit Administration police force;
6. the Maryland Transportation Authority Police;
7. the police forces of the University System of Maryland;

8. the police force of Morgan State University;
9. the office of the sheriff of a county;
10. the police forces of the Department of Natural Resources;
11. the police force of the Maryland Capitol Police of the
Department of General Services;
12. the police force of a State, county, or municipal corporation
if the special police officers are appointed under Subtitle 3 of this title;
13. the Housing Authority of Baltimore City Police Force;
14. the Baltimore City School Police Force;
15. the Crofton Police Department;
16. the Washington Suburban Sanitary Commission Police
Force;
17. the Ocean Pines Police Department;
18. the police force of the Baltimore City Community College;
19. the police force of the Hagerstown Community College;
20. the Warrant Apprehension Unit of the Intelligence and
Investigative Division in the Department;
21. the police force of the Anne Arundel Community College;
or
22. the police department of the Johns Hopkins University
established in accordance with Title 24, Subtitle 12 of the Education Article.

(2) "Police officer" includes:

- (i) a member of the Field Enforcement Bureau of the Comptroller's
Office;
- (ii) a member of the Field Enforcement Division of the Alcohol and
Tobacco Commission;
- (iii) the State Fire Marshal or a deputy State fire marshal;
- (iv) an investigator of the Intelligence and Investigative Division of

the Department;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George’s County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

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

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

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

(3) “Police officer” does not include:

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

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

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

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

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

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

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

3–202.

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

3 3–203.

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

9 3–204.

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

11 **(B)** The Commission annually shall elect a [chair and] vice chair from among its
12 members.

13 3–207.

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

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

19 (2) [to] **CONDUCT JOB TASK ANALYSES FOR ENTRANCE–LEVEL**
20 **POLICE OFFICERS EVERY 10 YEARS BEGINNING ON OR BEFORE DECEMBER 31, 2023;**

21 **(3)** approve and issue certificates of approval to police training schools;

22 **[(3)] (4)** [to] inspect police training schools;

23 **[(4)] (5)** [to] revoke, for cause, the approval or certificate of approval
24 issued to a police training school;

25 **[(5)] (6)** [to] establish the following for police training schools:

26 (i) curriculum;

27 (ii) minimum courses of study;

28 (iii) attendance requirements;

- (iv) eligibility requirements;
- (v) equipment and facilities;
- (vi) standards of operation; and
- (vii) minimum qualifications for instructors;

[(6) to require, for entrance-level police training and at least every 3 years for in-service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training in, attention to, and study of the application and enforcement of:

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

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

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

(iv) the criminal laws concerning stalking as they pertain to electronic surveillance or tracking, including services available to victims, related prevention methods for victims, and how victims may request additional assistance to identify and preserve digital evidence;

(v) the contact with and treatment of victims of crimes and delinquent acts;

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

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

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

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

(9) [to] conduct and operate police training schools authorized by the

1 Commission to offer police training programs;

2 (10) [to] make a continuous study of entrance-level and in-service training
3 methods and procedures;

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

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

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

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

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

18 **(I) ALL TRAINING TOPICS DESCRIBED IN ITEMS (14) THROUGH**
19 **(16) OF THIS SUBSECTION; AND**

20 **(II) ALL TRAINING TOPICS THAT WILL BE REQUIRED IN THE**
21 **NEXT CALENDAR YEAR;**

22 **(12) VERIFY THAT POLICE OFFICERS CERTIFIED BY THE COMMISSION**
23 **MAINTAIN A CURRENT CERTIFICATION IN LIFESAVING TECHNIQUES, INCLUDING**
24 **CPR;**

25 **(13) CONSULT WITH ANY RECOGNIZED FEDERAL, STATE, COUNTY, OR**
26 **MUNICIPAL LAW ENFORCEMENT AGENCY OR EDUCATIONAL INSTITUTION,**
27 **INSTITUTION THAT SPECIALIZES IN COURSES OF STUDY FOR POLICE OFFICERS, OR**
28 **AGENCY OR UNIT OF THE STATE INVOLVED IN POLICE TRAINING;**

29 **[(15)] (14) [to] require, for entrance-level police training and annually for**
30 **in-service level police training conducted by the State and each county and municipal police**
31 **training school, that the curriculum and minimum courses of study include, for police**
32 **officers who are issued an electronic control device by a law enforcement agency, special**
33 **training in the proper use of electronic control devices, as defined in § 4-109 of the Criminal**
34 **Law Article, consistent with established law enforcement standards and federal and State**

1 constitutional provisions;

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

7 (i) training in lifesaving techniques, including Cardiopulmonary
8 Resuscitation (CPR);

9 (ii) training in the proper level and use of force as set forth in the
10 Maryland Use of Force Statute under § 3-524 of this title;

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

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

15 [(17)] (15) [to] require, for entrance-level police training and at least every
16 2 years for in-service level police training conducted by the State and each county and
17 municipal police training school, that the curriculum and minimum courses of study
18 include special training IN, attention to, and study of the application of antidiscrimination
19 and use of force de-escalation training;

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

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

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

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

29 (16) REQUIRE, FOR ENTRANCE-LEVEL POLICE TRAINING AND AT
30 LEAST EVERY 3 YEARS FOR IN-SERVICE LEVEL POLICE TRAINING CONDUCTED BY
31 THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT
32 THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE SPECIAL TRAINING
33 IN, ATTENTION TO, AND STUDY OF:

34 (I) THE CRIMINAL LAWS CONCERNING RAPE AND SEXUAL

1 OFFENSES, INCLUDING THE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN AND
2 RELATED EVIDENTIARY PROCEDURES;

3 (II) THE CRIMINAL LAWS CONCERNING HUMAN TRAFFICKING,
4 INCLUDING SERVICES AND SUPPORT AVAILABLE TO VICTIMS AND THE RIGHTS OF
5 AND APPROPRIATE TREATMENT OF VICTIMS;

6 (III) THE CRIMINAL LAWS CONCERNING HATE CRIMES,
7 INCLUDING THE RECOGNITION OF, RESPONSE TO, AND REPORTING OF INCIDENTS
8 REQUIRED TO BE REPORTED UNDER § 2-307 OF THIS ARTICLE;

9 (IV) THE CRIMINAL LAWS CONCERNING STALKING AS THEY
10 PERTAIN TO ELECTRONIC SURVEILLANCE OR TRACKING, INCLUDING SERVICES
11 AVAILABLE TO VICTIMS, RELATED PREVENTION METHODS FOR VICTIMS, AND HOW
12 VICTIMS MAY REQUEST ADDITIONAL ASSISTANCE TO IDENTIFY AND PRESERVE
13 DIGITAL EVIDENCE;

14 (V) THE CONTACT WITH AND TREATMENT OF VICTIMS OF
15 CRIMES AND DELINQUENT ACTS;

16 (VI) THE NOTICES, SERVICES, SUPPORT, AND RIGHTS
17 AVAILABLE TO VICTIMS AND VICTIMS' REPRESENTATIVES UNDER STATE LAW;

18 (VII) THE NOTIFICATION OF VICTIMS OF IDENTITY FRAUD AND
19 RELATED CRIMES OF THEIR RIGHTS UNDER FEDERAL LAW;

20 (VIII) THE USE OF FORCE, DE-ESCALATION, AND THE DUTY OF A
21 POLICE OFFICER TO INTERVENE WHEN THE POLICE OFFICER OBSERVES ANOTHER
22 OFFICER USING FORCE THAT IS EXCESSIVE AS SET FORTH IN THE MARYLAND USE
23 OF FORCE STATUTE UNDER § 3-524 OF THIS TITLE OR OTHERWISE VIOLATES THE
24 USE OF FORCE POLICES OF THE STATE OR THE LAW ENFORCEMENT AGENCY THAT
25 EMPLOYS THE POLICE OFFICER;

26 (IX) THE RECOGNITION AND PREVENTION OF DISCRIMINATION
27 BASED ON:

28 1. RACE;

29 2. COLOR;

30 3. RELIGION OR CREED;

31 4. NATIONAL ORIGIN OR ANCESTRY;

5. SEX;
6. SEXUAL ORIENTATION;
7. GENDER IDENTITY;
8. AGE;
9. PHYSICAL OR MENTAL DISABILITY;
10. MARITAL STATUS;
11. VETERAN STATUS;
12. GENETIC INFORMATION;
13. CITIZENSHIP; OR
14. CULTURE; AND

(X) ALL ASPECTS OF PROFILING, INCLUDING:

1. PROFILING IN WHICH AN INDIVIDUAL IS IMPROPERLY TARGETED AS A SUSPECT OF A CRIME BECAUSE OF THE PERSON'S RACE, ETHNICITY, RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC;
2. PROFILING IN WHICH A SUSPECT'S RACE, ETHNICITY, RELIGION, OR OTHER IDENTIFYING CHARACTERISTIC HAS BEEN REPORTED DURING THE COURSE OF AN INVESTIGATION; AND
3. MOTORCYCLE PROFILING;

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

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

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

(i) **REQUIRE, ON OR BEFORE DECEMBER 31, 2023**, a statement condemning motorcycle profiling to be included in existing written policies regarding other profiling; [and

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

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

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

(b) (1) The Commission shall [develop] **MAINTAIN** a system by which law enforcement agencies report to the Commission each serious officer-involved incident each year, including for each incident:

(i) the number of officers involved by race, ethnicity, and sex;

(ii) the number of officers disciplined by race, ethnicity, and sex; and

(iii) the type of discipline administered to each officer, by the officer's race, ethnicity, and sex.

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

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

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

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

1 confidential referral to appropriate services.

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

4 (d) The Commission shall:

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

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

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

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

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

18 (3) The Commission shall annually:

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

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

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

25 (2) The uniform complaint process shall:

26 (i) be simple;

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

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

(g) The Commission shall [develop] **MAINTAIN** and administer:

(1) a training program on matters relating to police procedures for individuals who intend to qualify to participate as a member of a trial board or administrative charging committee under Subtitle 1 of this title; and

(2) a training program on matters relating to police training and standards for citizens who are appointed to serve as members of the Commission.

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

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

(j) The Commission, in consultation with the Anne Arundel County Police Academy, shall develop and maintain a uniform statewide training and certification curriculum that includes role-playing exercises to ensure the use of best practices in the issuance of citations in lieu of arrest.

(k) The Commission shall:

(1) hold law enforcement agencies accountable for violations of the Use of Force Statute under § 3–524 of this title; and

(2) work with the Comptroller and the Governor's Office of Crime Prevention, Youth, and Victim Services to ensure that State grant funding is withheld from a law enforcement agency that violates the Use of Force Statute under § 3–524 of this title.

(l) The Commission shall:

(1) develop a test and training for implicit bias, subject to the availability of implicit bias testing standards that are generally accepted by experts in the field of police psychology;

(2) require all law enforcement agencies to use the implicit bias test in the hiring process;

(3) require all new police officers to complete implicit bias testing and training; and

(4) require all incumbent police officers to undergo implicit bias testing and training on an annual basis.

1 3–209.

2 (a) (1) A LAW ENFORCEMENT AGENCY MAY EMPLOY AN INDIVIDUAL AS A
3 POLICE OFFICER FOR A PERIOD EXCEEDING 1 YEAR ONLY IF THE INDIVIDUAL IS
4 CERTIFIED BY THE COMMISSION.

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

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

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

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

13 (2) submits to a mental health screening by a licensed mental health
14 professional;

15 (3) submits to a physical agility assessment as determined by the
16 Commission;

17 (4) SUBMITS TO A MEDICAL EVALUATION;

18 (5) submits to a criminal history records check in accordance with §
19 3–209.1 of this subtitle; and

20 [(5)] (6) (i) is a United States citizen; or

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

25 [(b)] (C) The certification of a police officer who fails to obtain United States
26 citizenship as required by subsection [(a)(4)(ii)] (B)(6)(II) of this section shall be
27 [terminated] REVOKED by the Commission.

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

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

3 [(e)] (F) As a condition of certification, a police officer shall submit to a mental
4 health assessment every 2 years and an annual physical agility assessment to establish
5 continuing fitness to carry out the officer's assigned duties as a police officer.

6 [(f)] (G) Prior cannabis use is not a disqualifier for certification as a police
7 officer.

8 3–209.1.

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

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

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

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

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

18 (1)] a complete set of legible fingerprints [taken on forms] **IN A MANNER**
19 approved by the Director of the Central Repository and the Director of the Federal Bureau
20 of Investigation[;

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

23 (3) the processing fee required by the Federal Bureau of Investigation for
24 a national criminal history records check] **AND IN ACCORDANCE WITH REGULATIONS**
25 **ADOPTED UNDER § 10–221 OF THE CRIMINAL PROCEDURE ARTICLE PROVIDING**
26 **FOR THE ESTABLISHMENT AND COLLECTION OF FEES FOR OBTAINING CRIMINAL**
27 **HISTORY RECORD INFORMATION.**

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

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

32 (1) shall be confidential;

(2) may not be redisseminated; and

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

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

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

[3–210.

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

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

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

3–211.

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

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

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

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

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

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

5 [(c)] (D) If the Commission concludes that the police officer's law enforcement
6 agency unreasonably failed to provide the police officer with the required training or
7 assigned the police officer to special duty that prevented the police officer from completing
8 the required training to achieve certification:

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

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

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

16 3-213.

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

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

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

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

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

28 3-214.

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

31 (b) The Commission may recertify an [individual] **APPLICANT FOR**
32 **RECERTIFICATION** as a police officer **NOT EARLIER THAN 2 YEARS** after the [certification

of the police officer is revoked] **EFFECTIVE DATE OF THE REVOCATION ORDER.**

3–215.

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

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

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

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

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

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

(c) (1) An individual who applies for a position as police officer shall:

(i) under penalty of perjury, disclose to the hiring law enforcement agency all prior instances of employment as a police officer at other law enforcement agencies; and

(ii) authorize the hiring law enforcement agency to obtain the police officer’s full personnel and disciplinary record from each law enforcement agency that previously employed the police officer.

(2) The hiring law enforcement agency shall certify to the Commission that the law enforcement agency has reviewed the applicant’s disciplinary record.

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

(e) A probationary appointee is entitled to a leave of absence with pay during the

1 period of the training program.

2 (f) Prior cannabis use may not be the basis for disqualifying an applicant for a
3 position as a police officer.

4 [3–216.

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

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

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2023.