

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1018
Judiciary

(Delegates Morgan and Clark)

St. Mary's County - Public Safety - Special Police Officers Pilot Program

This bill establishes a Special Police Officer Pilot Program in St. Mary's County. The St. Mary's County Sheriff's Office, with the written consent of another governmental body, is authorized to apply for the appointment of special police officers in order to protect property owned, leased, or regularly used by the other governmental body. By September 1, 2020, and each September 1 thereafter, the sheriff's office must report specified information regarding the pilot program to the County Commissioners of St. Mary's County. **The bill terminates September 30, 2023.**

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: To the extent that the St. Mary's County Sheriff's Office applies for the appointment of and employs special police officers, local government expenditures increase. If the county hires 24 special police officers and related supervisory staff, the county estimates that costs increase by more than \$900,000 in FY 2020 and by approximately \$420,000 annually thereafter until the program terminates. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: Under the Public Safety Article, the Governor may appoint and deputize an individual as a special police officer. Such a commission is granted arrest powers, but the scope of each commission is limited to the property cited in the commission. The

following entities may apply for the appointment of special police officers for the following purposes:

- a municipal corporation, county, or other governmental body of the State, in order to protect property owned, leased, or regularly used by the governmental body or any of its units;
- another state, or subdivision or unit of another state, that has an interest in property located wholly or partly in this State, in order to protect the property;
- a college, university, or public school system in the State, in order to protect its property or students; or
- a person that exists and functions for a legal business purpose, in order to protect its business property.

An applicant for a commission must be at least age 18. The employer of an applicant must (1) submit an application to the Secretary of State Police; (2) submit a complete set of the applicant's legible fingerprints; and (3) pay a fee to cover the cost of the fingerprint record checks. There is also a nonrefundable application fee of \$100.

The Secretary of State Police must investigate the character, reputation, and qualifications of each applicant for a commission. Upon completion of the investigation, the Secretary must transmit to the Governor (1) the results of the investigation; (2) a recommendation on denying or granting the application; (3) the reasons for the recommendation; and (4) the final disposition of any appeal. The Governor may accept the recommendation of the Secretary but need not issue a commission if the Governor believes it not to be in the best interest of the State to do so.

A special police officer appointed by the Governor may:

- arrest individuals who trespass or commit offenses on the property described in the application for the commission;
- exercise the powers of a police officer on that property;
- exercise the powers of a police officer in a county or municipality in connection with the care, custody, and protection of other property of the entity that requested the appointment of the special police officer or other property, real or personal, for which the entity has assumed an obligation to maintain or protect; and
- direct and control traffic on public highways and roads in the immediate vicinity of the property in order to facilitate the orderly movement of traffic to and from the property, if approved in advance.

While any special police officer in the State is eligible for training by the Maryland Police Training and Standards Commission and any local training academy, it is not required for

the issuance of the commission. A violator of specified provisions relating to State special police officer commissions is guilty of a misdemeanor and subject to imprisonment for six months and/or a fine of \$1,000.

A commission is suspended or terminates when the employer of the special police officer files written notice that states that the special police officer is suspended from or relieved of the duties of a special police officer. The Governor may suspend or terminate a commission on recommendation of the Secretary or on the Governor's own motion if the Governor finds it in the best interest of the State. The suspension or termination must be noted in the official records of the Governor. The suspension or termination may not take effect until five days after notice is sent to both the special police officer and the special police officer's employer.

The Governor may delegate the power to suspend or terminate a commission to the Secretary of State. A commission does not terminate if (1) an employer no longer needs the services of a special police officer because the employer has transferred the business property described in the commission to another person for legal business purposes and (2) the other person executes a form prepared by the Secretary of State that affirms that the other person will employ the special police officer to protect that business property and will assume the responsibilities of the original employer.

An initial commission expires three years after its date of issuance. At the end of a term of a commission, the commission is renewable for a three-year term if, among other things, the employer submits a renewal application, submits a complete set of fingerprints, and pays a fee to cover the cost of the fingerprint record checks. The renewal fee is \$60.

Each individual subject to a criminal history records check (CHRC) is required to pay \$51.25 for a State and national CHRC, which includes a \$20 fingerprinting fee, a \$13.25 Federal Bureau of Investigation fee, an \$18 fee to the Criminal Justice Information System (CJIS) Central Repository within the Department of Public Safety and Correctional Services. CJIS collects, manages, and disseminates Maryland Criminal History Record Information for criminal justice and noncriminal justice (*e.g.*, employment and licensing) purposes. CJIS is a fingerprint-supported system for positive identification.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): St. Mary's County; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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mm/lgc

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