

# HOUSE BILL 117

E4

3lr0331

(PRE-FILED)

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By: **Delegate S. Johnson**

Requested: August 17, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Certification of Police Officers – Physical Agility Assessment – Exemption**

3 FOR the purpose of exempting an individual from the physical agility assessment required  
4 for certification as a police officer in the State if the individual was a certain police  
5 officer or a certain equivalent on or before a certain date and has a certain number  
6 of years of service as a police officer or a certain equivalent; and generally relating  
7 to the certification of police officers.

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

13 BY repealing and reenacting, with amendments,  
14 Article – Public Safety  
15 Section 3–209  
16 Annotated Code of Maryland  
17 (2022 Replacement Volume)

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

### Article – Public Safety

20 3–201.

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

23 (f) (1) “Police officer” means an individual who:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) is authorized to enforce the general criminal laws of the State;  
2 and
- 3 (ii) is a member of one of the following law enforcement agencies:
- 4 1. the Department of State Police;
  - 5 2. the Police Department of Baltimore City;
  - 6 3. the police department, bureau, or force of a county;
  - 7 4. the police department, bureau, or force of a municipal  
8 corporation;
  - 9 5. the Maryland Transit Administration police force;
  - 10 6. the Maryland Transportation Authority Police;
  - 11 7. the police forces of the University System of Maryland;
  - 12 8. the police force of Morgan State University;
  - 13 9. the office of the sheriff of a county;
  - 14 10. the police forces of the Department of Natural Resources;
  - 15 11. the police force of the Maryland Capitol Police of the  
16 Department of General Services;
  - 17 12. the police force of a State, county, or municipal corporation  
18 if the special police officers are appointed under Subtitle 3 of this title;
  - 19 13. the Housing Authority of Baltimore City Police Force;
  - 20 14. the Baltimore City School Police Force;
  - 21 15. the Crofton Police Department;
  - 22 16. the Washington Suburban Sanitary Commission Police  
23 Force;
  - 24 17. the Ocean Pines Police Department;
  - 25 18. the police force of the Baltimore City Community College;
  - 26 19. the police force of the Hagerstown Community College;

1                                   20.    the Warrant Apprehension Unit of the Intelligence and  
2 Investigative Division in the Department;

3                                   21.    the police force of the Anne Arundel Community College;  
4 or

5                                   22.    the police department of the Johns Hopkins University  
6 established in accordance with Title 24, Subtitle 12 of the Education Article.

7                   (2)    “Police officer” includes:

8                                   (i)    a member of the Field Enforcement Bureau of the Comptroller’s  
9 Office;

10                                  (ii)   a member of the Field Enforcement Division of the Alcohol and  
11 Tobacco Commission;

12                                  (iii)  the State Fire Marshal or a deputy State fire marshal;

13                                  (iv)   an investigator of the Intelligence and Investigative Division of  
14 the Department;

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

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

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

21                                  (viii) a Worcester County fire and explosive investigator as defined in  
22 § 2–208.4 of the Criminal Procedure Article;

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

25                                  (x)    a Howard County fire and explosive investigator as defined in §  
26 2–208.6 of the Criminal Procedure Article.

27                   (3)    “Police officer” does not include:

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

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

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

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

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

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

12 3–209.

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

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

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

18 (2) submits to a mental health screening by a licensed mental health  
19 professional;

20 (3) **EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,**  
21 submits to a physical agility assessment as determined by the Commission;

22 (4) submits to a criminal history records check in accordance with §  
23 3–209.1 of this subtitle; and

24 (5) (i) is a United States citizen; or

25 (ii) subject to subsection (b) of this section, is a permanent legal  
26 resident of the United States and an honorably discharged veteran of the United States  
27 armed forces, provided that the individual has applied to obtain United States citizenship  
28 and the application is still pending approval.

29 (b) The certification of a police officer who fails to obtain United States citizenship  
30 as required by subsection [(a)(4)(ii)] **(A)(5)(II)** of this section shall be terminated by the  
31 Commission.

1 (c) The Commission may certify as a police officer an individual who is not  
2 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the  
3 selection and training standards of the Commission.

4 (d) Each certificate issued to a police officer under this subtitle remains the  
5 property of the Commission.

6 (e) **[As] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, AS** a  
7 condition of certification, a police officer shall submit to a mental health assessment every  
8 2 years and an annual physical agility assessment to establish continuing fitness to carry  
9 out the officer’s assigned duties as a police officer.

10 (f) Prior cannabis use is not a disqualifier for certification as a police officer.

11 **(G) AN INDIVIDUAL IS NOT REQUIRED TO SUBMIT TO THE PHYSICAL AGILITY**  
12 **ASSESSMENT REQUIRED UNDER THIS SECTION IF THE INDIVIDUAL:**

13 **(1) WAS A POLICE OFFICER, OR THE EQUIVALENT OF A POLICE**  
14 **OFFICER IN ANOTHER STATE, BEFORE JANUARY 1, 2012; AND**

15 **(2) AT THE TIME OF APPLICATION FOR CERTIFICATION UNDER THIS**  
16 **SECTION, HAS A CUMULATIVE TOTAL OF AT LEAST 20 YEARS OF SERVICE AS A POLICE**  
17 **OFFICER, OR THE EQUIVALENT OF A POLICE OFFICER IN ANOTHER STATE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2023.