

HOUSE BILL 433

E4
HB 1526/18 – JUD

9lr0684
CF SB 853

By: **Delegates Fraser–Hidalgo, Pena–Melnik, Atterbeary, Barve, Korman, Shetty,
and Wilkins**

Introduced and read first time: January 31, 2019

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

CHAPTER _____

1 AN ACT concerning

2 **Maryland Police Training and Standards Commission – Police Officer**
3 **Certification – Eligibility**
4 **(Freedom to Serve Act)**

5 FOR the purpose of altering the eligibility requirements for an individual to be certified by
6 the Maryland Police Training and Standards Commission as a police officer to
7 require an individual to be either a United States citizen or a certain permanent
8 legal resident of the United States who is an honorably discharged veteran of the
9 United States armed forces; providing for the termination of a certification under
10 certain circumstances; providing for the construction of this Act; and generally
11 relating to police officer certification.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 3–209
15 Annotated Code of Maryland
16 (2018 Replacement Volume)

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

19 **Article – Public Safety**

20 3–209.

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

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

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

6 (2) submits to a psychological evaluation; [and]

7 (3) submits to a criminal history records check in accordance with §
8 3–209.1 of this subtitle; AND

9 (4) (I) IS A UNITED STATES CITIZEN; OR

10 (II) IS A PERMANENT LEGAL RESIDENT OF THE UNITED STATES
11 AND AN HONORABLY DISCHARGED VETERAN OF THE UNITED STATES ARMED
12 FORCES, PROVIDED THAT THE INDIVIDUAL HAS APPLIED TO OBTAIN ~~OR AFFIRMS AN~~
13 ~~INTENT TO OBTAIN~~ UNITED STATES CITIZENSHIP ~~WITHIN 10 YEARS OF THE~~
14 ~~EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY.~~

15 ~~(C) (B)~~ THE CERTIFICATION OF A POLICE OFFICER WHO FAILS TO OBTAIN
16 ~~OR APPLY TO OBTAIN UNITED STATES CITIZENSHIP AS REQUIRED BY SUBSECTION~~
17 ~~(A)(4)(II) OF THIS SECTION~~ UNITED STATES CITIZENSHIP WITHIN 10 YEARS OF THE
18 OFFICER'S EMPLOYMENT START DATE WITH THE LAW ENFORCEMENT AGENCY
19 SHALL BE TERMINATED BY THE COMMISSION.

20 [(b)] ~~(D)~~ (C) The Commission may certify as a police officer an individual who is not
21 considered a police officer under § 3–201(f)(3) of this subtitle if the individual meets the
22 selection and training standards of the Commission.

23 [(c)] ~~(E)~~ (D) Each certificate issued to a police officer under this subtitle remains the
24 property of the Commission.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed
26 to establish a cause of action against a law enforcement agency for failure to hire an
27 individual who is not a citizen of the United States.

28 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2019.