

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-401

\*\*\* Statutes current through the 2013 General Assembly Regular Session with updates for sections effective through June 1, 2013 \*\*\*

BUSINESS OCCUPATIONS AND PROFESSIONS

TITLE 13. PRIVATE DETECTIVES

SUBTITLE 4. CERTIFICATION OF PRIVATE DETECTIVES

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-401 (2013)

§ 13-401. Certification; employment by private agency

(a) Certification. -- Except as provided under subsection (b) of this section, an individual shall be certified by the Secretary as a private detective before the individual personally may provide any private detective service in the State.

(b) Employment by private agency. -- An individual who is not certified as a private detective may provide private detective services in the State if:

(1) the individual is employed by or has applied for employment with a licensed private detective agency;

(2) the licensed private detective agency has submitted to the Secretary the application of the individual for certification as a private detective, fingerprint cards, and fees required under § 13-403 of this subtitle;

(3) after a preliminary background investigation, the Secretary determines that the provision of private detective services by the individual would not result in a potential threat to public safety; and

(4) the Secretary has not denied the application.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-402

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-402 (2013)

§ 13-402. Classes of individuals qualifying for certification

An individual qualifies for certification as a private detective if the individual:

- (1) holds a license;
- (2) is a firm member of a licensed private detective agency; or
- (3) (i) is an employee of or an applicant for employment with a licensed private detective agency; and  
(ii) meets the qualifications set forth under § 13-403 of this subtitle.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-403

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-403 (2013)

§ 13-403. Qualifications for certification of agency employee

To qualify for certification as a private detective, an employee of or applicant for employment with a licensed private detective agency shall:

- (1) meet the standards set by the Secretary;
- (2) submit to the Secretary:
  - (i) a sworn application on the form the Secretary provides; and
  - (ii) the fingerprints required under § 13-304(c)(2)(i) of this title; and
- (3) pay to the Secretary:
  - (i) an application fee of \$ 15; and
  - (ii) the fees required under § 13-304(c)(2) of this title.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-404

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-404 (2013)

§ 13-404. Certification of qualified applicants

The Secretary shall certify as a private detective each individual who meets the requirements of this subtitle.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-404.1

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-404.1 (2013)

§ 13-404.1. Renewal of certification

(a) Term of certification. -- By regulation, the Secretary shall stagger the terms of the certifications under this subtitle.

(b) Expiration. -- Unless a certification is renewed for a 3-year term as provided in this section, the certification expires on the date the Secretary sets.

(c) Renewal submission. -- At least 90 days before a certification expires, the applicant shall deliver to the Secretary:

- (1) a renewal application form;
- (2) the amount of the renewal fee; and
- (3) the amount of any late fee, as determined by the Secretary.

(d) Renewal requirements. -- An individual periodically may renew the certification for an additional 3-year term, if the individual:

(1) is otherwise entitled to be certified;

(2) pays to the Secretary:

(i) a renewal fee of \$ 10;

(ii) the fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records;

(iii) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check; and

(iv) any late fee required under this subtitle; and

(3) submits to the Secretary:

(i) a renewal application on the form the Secretary provides; and

(ii) two complete sets of the applicant's legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation.

(e) Criminal history. -- In accordance with §§ 10-201 through 10-234 of the Criminal Procedure Article, the Central Repository shall forward to the applicant and the Department of State Police a printed statement of the applicant's criminal history records information.

(f) Late fee. --

(1) Subject to paragraph (2) of this subsection, if a complete application for renewal of certification as required under this subtitle is not received by the Secretary at least 30 calendar days before the certification expires, the Secretary shall assess a late fee of \$ 5 per day until the application is received by the Secretary, unless the applicant did not make timely renewal because of incapacity, hospitalization, being called to active military duty, or other hardship.

(2) The total amount of late fees assessed under this subsection may not exceed \$ 150.

(3) The Secretary may not certify any applicant under this title if the applicant has outstanding late fee obligations.

(g) Renewal -- Refusal. --

(1) The Secretary shall renew the certification of each individual who meets the requirements of this section.

(2) Within 5 days after the Secretary refuses to renew the certification of an individual as a private detective, the Secretary shall send written notice of the refusal to the individual who submitted the renewal application.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-405

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-405 (2013)

§ 13-405. Scope of private detective certification

While certification of an individual as a private detective is in effect, the certification authorizes the individual to provide private detective services only:

(1) on behalf of the private detective agency through which the individual obtained the certification;  
and

(2) while that private detective agency is licensed under this title.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-406

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-406 (2013)

§ 13-406. Issuance and form of private detective certification card

(a) Issuance. -- The Secretary shall issue to each individual who is certified as a private detective under this subtitle a certification card that identifies the individual as a certified private detective.

(b) Form. --

(1) Subject to this subsection, the Secretary shall determine the form and content of the certification card.

(2) The certification card shall be of a size and made of materials appropriate for its intended use, as provided under § 13-407 of this subtitle.

(3) The certification card shall contain:

(i) a statement that in substance specifies that the individual is certified by the Secretary as a private detective;

(ii) the name of the licensed private detective agency with or by which the individual is associated or employed; and

(iii) any information that the Secretary considers appropriate to:

1. identify the individual; or
2. specify the authority of the individual.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-407

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-407 (2013)

§ 13-407. Use of private detective certification cards

(a) Requirement to carry card. -- At any time that a certified private detective provides a private detective service, the private detective shall carry the certification card issued under § 13-406 of this subtitle.

(b) Requirement to display card. -- On request of a law enforcement officer, a certified private detective shall show the private detective's certification card.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-408

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-408 (2013)

§ 13-408. Private detective badges

A certified private detective may wear or carry a badge only if:

- (1) the Secretary authorizes the wearing or carrying of the badge;
- (2) the design of the badge is approved by the Secretary; and
- (3) the badge is issued by the licensed private detective agency through which the private detective is certified.



Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-409

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BUSINESS OCCUPATIONS AND PROFESSIONS

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-409 (2013)

§ 13-409. Denials, reprimands, suspensions, and revocations -- Grounds

Subject to the hearing provisions of § 13-411 of this subtitle, the Secretary may deny certification as a private detective to any applicant, reprimand or fine any individual certified as a private detective, or suspend or revoke the certification of an individual:

- (1) for any applicable ground under § 13-313 of this title;
- (2) if the applicant or individual fraudulently or deceptively obtains or attempts to obtain certification as a private detective for the applicant or individual or for another; or
- (3) if the applicant or individual fails to maintain the standards set by the Secretary for certification as a private detective.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-410

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-410 (2013)

§ 13-410. Denials, reprimands, suspensions, and revocations -- Commencement of proceedings

(a) In general. -- Subject to this section, the Secretary shall commence proceedings under § 13-409 of this subtitle on the Secretary's own complaint or on a complaint made to the Secretary by any person.

(b) Form and contents of complaint. --

(1) A complaint shall:

(i) be in writing;

(ii) be signed by the complainant; and

(iii) state specifically the facts on which the complaint is based.

(2) If a complaint is made by any person other than the Secretary, the complaint shall be made under oath by the person who submits the complaint.

(c) Investigation. --

(1) On receipt of a complaint that alleges facts that are grounds for action under § 13-409 of this subtitle, the Secretary shall appoint an officer of the Department of State Police, with the rank of lieutenant or above, as the investigating officer for the complaint.

(2) The investigating officer may assign responsibility for conducting the investigation to other members of the Department of State Police.

(d) Findings of investigative officer. --

(1) On conclusion of the investigation, the investigating officer shall determine whether there is a reasonable basis to believe that there are grounds for disciplinary action under § 13-409 of this subtitle.

(2) If the investigating officer finds a reasonable basis as provided under paragraph (1) of this subsection, the Secretary shall act on the complaint as provided under § 13-411 of this subtitle.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-411

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-411 (2013)

§ 13-411. Denials, reprimands, suspensions, and revocations -- Hearing

(a) Right to hearing. -- Except as otherwise provided in § 10-226 of the State Government Article, before the Secretary takes any final action under § 13-409 of this subtitle, the Secretary shall give the individual against whom the action is contemplated an opportunity for a hearing before the Secretary.

(b) Application of contested case provisions. -- The Secretary shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

(c) Oaths. -- The Secretary may administer oaths in connection with any proceeding under this section.

(d) Specific notice requirements. -- The hearing notice to be given to the individual shall be written and sent at least 10 days before the hearing.

(e) Right to counsel. -- The individual may be represented at the hearing by counsel.

(f) Failure or refusal to appear. -- If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Secretary may hear and determine the matter.

Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-412

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Md. BUSINESS OCCUPATIONS AND PROFESSIONS Code Ann. § 13-412 (2013)

§ 13-412. Denials, reprimands, suspensions, and revocations -- Surrender of private detective certification card and badge

Within 5 days after the Secretary suspends or revokes the certification of an individual as a private detective, the individual shall surrender to the Secretary the certification card and badge, if any, of the individual.