

4-201(d) refers to the "authority", "responsibility", and "duty" of the Commission. This language gives rise to the issue of whether former Art. 41, § 4-201(d)(6) establishes a power (*i.e.*, authority) or a duty (*i.e.*, responsibility). Subsection (a) of this section has been drafted to create a mandatory duty because the word "shall" (which indicates a duty) was used several times in former Art. 41, § 4-201 with regard to certification of police officers. For example, under former Art. 41, § 4-201(j)(1), a person may not be employed as a police officer unless certified by the Commission. If certification were not a duty of the Commission, then there would be no individuals legally acting as police officers in the State if the Commission chose not to certify police officers. If the General Assembly wishes to make this power discretionary, the word "may" should be substituted for the word "shall".

In subsection (c) of this section, the reference to a certificate "issued ... under this subtitle" is substituted for the former reference to a certificate "provided for in subsection (d)(6) of this section" for clarity. Former Art. 41, § 4-201(d)(6) referred to the certification of police officers by the Commission.

Defined terms: "Commission" § 3-201

"Police officer" § 3-201

"State" § 1-101

3-210. LAPSE OF CERTIFICATION — IN GENERAL.

(A) AUTOMATIC LAPSE OF CERTIFICATION.

THE CERTIFICATION OF A POLICE OFFICER AUTOMATICALLY LAPSES 3 YEARS AFTER THE DATE OF THE PREVIOUS CERTIFICATION.

(B) APPLICATION FOR RECERTIFICATION.

IF THE CERTIFICATION OF A POLICE OFFICER LAPSES, THE POLICE OFFICER MAY APPLY FOR RECERTIFICATION IMMEDIATELY.

(C) AUTHORITY OF COMMISSION TO RECERTIFY.

THE COMMISSION MAY RECERTIFY A POLICE OFFICER AFTER THE CERTIFICATION OF THE POLICE OFFICER LAPSES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-201(h)(1), (2)(i), and (3).

In this section and throughout this subtitle, the terms "certify", "certification", "recertify", and "recertification" are used for grammatical consistency and are substituted for former references to a "certificate" as necessary.

Defined terms: "Commission" § 3-201

"Police officer" § 3-201