

SENATE BILL 890

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2000 Regular Session
0lr2391
CF 0lr2978

By: **Senator Bromwell**

Introduced and read first time: March 2, 2000

Assigned to: Rules

Re-referred to: Judicial Proceedings, March 6, 2000

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 30, 2000

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services - Juvenile Justice**

3 FOR the purpose of ~~authorizing the Secretary of Juvenile Justice to designate certain~~
4 ~~employees of the State and private vendors to meet the training requirements of~~
5 requiring the Correctional Training Commission to develop and implement a
6 certain program design and a certain course curriculum and training for certain
7 employees of the Department of Juvenile Justice and certain employees of
8 nonprofit and for-profit entities under contract with the Department under
9 certain circumstances; providing that the Secretary of Juvenile Justice may
10 establish eligibility requirements for certain employees stating a certain finding
11 of the General Assembly; altering the membership and appointment of certain
12 members of the Correctional Training Commission; requiring the Commission to
13 elect annually a chairperson; altering the appointment of certain employees of
14 the Commission; requiring the Commission to establish certain qualifications
15 for certain appointment as a certain employee; altering a certain definition;
16 defining a certain term; and generally relating to the Department of Juvenile
17 Justice and the Correctional Training Commission.

18 ~~BY repealing and reenacting, with amendments,~~
19 ~~Article 83C - Juvenile Justice~~
20 ~~Section 2-129~~
21 ~~Annotated Code of Maryland~~
22 ~~(1998 Replacement Volume and 1999 Supplement)~~

23 BY repealing and reenacting, with amendments,
24 Article - Correctional Services

1 Section 8-201, 8-202, 8-204, ~~8-208~~, 8-205, 8-206, 8-208, and 8-209, and ~~8-210~~
 2 Annotated Code of Maryland
 3 (1999 Volume)

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

6 ~~Article 83C—Juvenile Justice~~

7 ~~2-129.~~

8 ~~In cooperation with the Secretary of Budget and Management, the Secretary~~
 9 ~~shall:~~

10 ~~(1) Set minimum salaries, qualifications, and standards of training and~~
 11 ~~experience for the positions in the Department; [and]~~

12 ~~(2) DESIGNATE CERTAIN EMPLOYEES OR CATEGORIES OF EMPLOYEES~~
 13 ~~WHO MUST MEET THE TRAINING REQUIREMENTS OF THE MARYLAND~~
 14 ~~CORRECTIONAL TRAINING COMMISSION; AND~~

15 ~~{(2)}~~ ~~(3) For officers and employees who desire training in addition to~~
 16 ~~in-service training and whose service records show merit, provide:~~

17 ~~(i) Educational subsidies, scholarships, and stipends; and~~

18 ~~(ii) Institutes, conferences, and classes.~~

19 **Article - Correctional Services**

20 8-201.

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

22 (b) "Approved correctional training school" means a school authorized by the
 23 Commission to offer training programs as provided under this subtitle.

24 (c) "Commission" means the Correctional Training Commission.

25 (d) "Correctional administrator" means a correctional officer who has been
 26 promoted from a supervisory rank to first-line administrative duties.

27 (e) (1) "Correctional officer" means:

28 ~~(1)~~ a member of a correctional unit whose duties relate to the
 29 investigation, care, custody, control, or supervision of inmates and individuals who:

30 ~~{(i)}~~ 1. have been placed on parole or mandatory supervision;

31 ~~{(ii)}~~ 2. have been placed on probation; or

1 {(iii)} ~~3-~~ have received a suspended sentence; ~~AND~~.

2 ~~(H) YOUTH SUPERVISORS AND OTHER DIRECT CARE WORKERS AND~~
 3 ~~OTHER DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE JUSTICE~~
 4 ~~WHOSE DUTIES RELATE TO THE CARE AND CUSTODY AND SUPERVISION OF MINORS,~~
 5 ~~JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS THAT HAVE BEEN~~
 6 ~~COMMITTED, HAVE BEEN DETAINED, ARE AWAITING PLACEMENT, OR HAVE BEEN~~
 7 ~~ADJUDICATED DELINQUENT, WHO ARE REQUIRED BY THE SECRETARY OF JUVENILE~~
 8 ~~JUSTICE TO MEET THE TRAINING REQUIREMENTS OF THE COMMISSION.~~

9 (2) "Correctional officer" does not include:

10 (i) the head or deputy head of a correctional unit; or

11 (ii) a sheriff, warden, or superintendent or an individual with an
 12 equivalent title who is appointed or employed by a unit of government to exercise
 13 equivalent supervisory authority.

14 (f) "Correctional supervisor" means a correctional officer who has been
 15 promoted to first-line supervisory duties.

16 (g) (1) "Correctional unit" means a unit of State, county, or municipal
 17 government that is responsible under a statute, ordinance, or court order for the
 18 investigation, care, custody, control, and supervision of inmates and individuals who:

19 (i) have been placed on parole or mandatory supervision;

20 (ii) have been placed on probation; or

21 (iii) have received a suspended sentence.

22 (2) "Correctional unit" [does not include] ~~INCLUDES THOSE FACILITIES~~
 23 ~~AS SET FORTH IN ARTICLE 83C, § 2-117 AND OTHER FACILITIES AS DESIGNATED BY~~
 24 ~~the [Department] SECRETARY of Juvenile Justice.~~

25 ~~(H) (1) "DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE" MEANS A YOUTH~~
 26 ~~SUPERVISOR, YOUTH COUNSELOR, DIRECT CARE WORKER, OR OTHER EMPLOYEE OF~~
 27 ~~THE DEPARTMENT OF JUVENILE JUSTICE WHOSE EMPLOYMENT RESPONSIBILITY IS~~
 28 ~~THE INVESTIGATION, CUSTODY, CONTROL, OR SUPERVISION OF MINORS, JUVENILE~~
 29 ~~DELINQUENTS, AND YOUTHFUL OFFENDERS WHO ARE COMMITTED, DETAINED,~~
 30 ~~AWAITING PLACEMENT, ADJUDICATED DELINQUENT, OR ARE OTHERWISE UNDER~~
 31 ~~THE SUPERVISION OF THE DEPARTMENT OF JUVENILE JUSTICE.~~

32 (2) ~~"DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE" INCLUDES AN~~
 33 ~~EMPLOYEE OF ANY NONPROFIT OR FOR-PROFIT ENTITY UNDER CONTRACT WITH~~
 34 ~~THE DEPARTMENT OF JUVENILE JUSTICE WHOSE EMPLOYMENT RESPONSIBILITY IS~~
 35 ~~THE INVESTIGATION, CUSTODY, CONTROL, OR SUPERVISION OF MINORS, JUVENILE~~
 36 ~~DELINQUENTS, AND YOUTHFUL OFFENDERS AS DESCRIBED UNDER PARAGRAPH (1)~~
 37 ~~OF THIS SUBSECTION.~~

1 ~~(A)~~ (I) "Permanent appointment" means an appointment that has
2 permanent status.

3 8-202.

4 The General Assembly finds that:

5 (1) there is a need to improve the administration of the correctional
6 system to better protect the health, safety, and welfare of the public;

7 (2) the ultimate goal of the correctional system is to make the
8 community safer by reducing the incidence of crime;

9 (3) establishing a correctional system with significantly increased power
10 to reduce recidivism and prevent recruitment into criminal careers will require a
11 sufficient number of qualified staff to perform the many tasks to be done;

12 (4) recent studies have revealed that greater training for correctional
13 work is highly desirable;

14 (5) the need for training can be substantially met by creating
15 educational and training programs for individuals seeking careers as correctional
16 officers;

17 (6) while serving in a probationary capacity, a correctional officer should
18 be required to receive efficient training provided at facilities that are approved by a
19 commission that is authorized to approve training facilities; [and]

20 (7) by qualifying and becoming proficient in the field of corrections,
21 correctional officers shall individually and collectively better insure the health, safety,
22 and welfare of the public; AND

23 (8) ~~CORRECTIONAL OFFICERS RESPONSIBLE FOR THE CARE AND~~
24 ~~CUSTODY AND SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL~~
25 ~~OFFENDERS THAT HAVE BEEN COMMITTED, HAVE BEEN DETAINED, ARE AWAITING~~
26 ~~PLACEMENT, OR HAVE BEEN ADJUDICATED~~ DEPARTMENT OF JUVENILE JUSTICE
27 EMPLOYEES SHOULD HAVE SPECIFIC AND APPROPRIATE TRAINING FOR THAT
28 POPULATION.

29 8-204.

30 (a) The Commission consists of the following [12] 14 members:

31 (1) the ~~Deputy~~ Secretary of Public Safety and Correctional Services;

32 (2) ~~THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S~~
33 ~~DESIGNEE AND ONE OTHER OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF~~
34 ~~JUVENILE JUSTICE APPOINTED PURSUANT TO SUBSECTION (C)(1) OF THIS SECTION;~~

35 [2] (3) the Director of the Division of Parole and Probation;

- 1 [(3)] (4) the Commissioner of Correction;
- 2 [(4)] (5) the president of the Maryland Correctional Administrators
3 Association;
- 4 [(5)] (6) the president of the Maryland Sheriffs Association;
- 5 [(6)] (7) the president of the Maryland Criminal Justice Association;
- 6 [(7)] (8) a representative of the Federal Bureau of Prisons, designated
7 by its Director;
- 8 [(8)] (9) the Attorney General of the State;
- 9 [(9)] (10) the president of a university or college in the State with a
10 correctional education curriculum, appointed by the Maryland Higher Education
11 Commission; and
- 12 [(10)] (11) ~~three~~ **FOUR** correctional officers or officials of the State
13 appointed under subsection (b) of this section.

14 (b) (1) ~~With the approval of the THE Governor, the Secretary shall appoint~~
15 ~~three~~ **SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, FOUR**
16 correctional officers or officials to be members of the Commission, **AT LEAST ONE OF**
17 **WHOM SHALL BE A DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE OR OFFICIAL.**

18 (2) The ~~three~~ **FOUR** members appointed under paragraph (1) of this
19 subsection shall represent different geographic areas of the State.

20 (3) The term of a member who is appointed under paragraph (1) of this
21 subsection is 3 years.

22 (4) The terms of the members who are appointed under paragraph (1) of
23 this subsection are staggered as required by the terms provided for members of the
24 Commission on October 1, 1999.

25 (5) (i) At the end of a term, a member who was appointed under
26 paragraph (1) of this subsection continues to serve until a successor is appointed and
27 qualifies.

28 (ii) A member who is appointed after a term has begun serves only
29 for the remainder of the term and until a successor is appointed and qualifies.

30 ~~(C) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY OF THE~~
31 ~~DEPARTMENT OF JUVENILE JUSTICE SHALL APPOINT ONE EMPLOYEE OR OFFICIAL~~
32 ~~OF THE DEPARTMENT OF JUVENILE JUSTICE TO BE A MEMBER OF THE COMMISSION.~~

33 ~~(2) THE TERM OF A MEMBER WHO IS APPOINTED UNDER PARAGRAPH (1)~~
34 ~~OF THIS SUBSECTION IS 3 YEARS.~~

1 ~~(3) THE TERM OF THE MEMBER WHO IS APPOINTED UNDER PARAGRAPH~~
2 ~~(1) OF THIS SUBSECTION IS STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR~~
3 ~~MEMBERS OF THE COMMISSION ON OCTOBER 1, 2000.~~

4 ~~(4) (I) AT THE END OF A TERM, A MEMBER WHO WAS APPOINTED~~
5 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION CONTINUES TO SERVE UNTIL A~~
6 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

7 ~~(II) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~
8 ~~SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS~~
9 ~~APPOINTED AND QUALIFIES.~~

10 ~~{c)}~~ ~~(D)~~ Except for the ~~three~~ FOUR members appointed by the ~~Secretary~~
11 GOVERNOR under subsection (b) of this section, a member of the Commission may
12 serve personally at a Commission meeting or designate a representative from the
13 member's unit or association who may act at any meeting to the same effect as if the
14 member were personally present.

15 8-205.

16 (a) [The Deputy Secretary of Public Safety and Correctional Services or the
17 Deputy Secretary's representative is the chairperson of the Commission] THE
18 COMMISSION SHALL ELECT ANNUALLY A CHAIRPERSON FROM AMONG ITS
19 MEMBERS.

20 (b) The Commission shall elect annually a vice chairperson from among its
21 members.

22 8-206.

23 (a) (1) [With the approval of the Secretary, the] THE Commission shall
24 appoint an Executive Director.

25 (2) The Executive Director shall perform general administrative
26 functions.

27 (3) The Executive Director serves at the pleasure of the Commission.

28 (b) (1) [With the approval of the Secretary, the] THE Commission shall
29 appoint a Deputy Director and any other employees that the Commission considers
30 necessary to perform general administrative and training management functions.

31 (2) The Deputy Director and other employees appointed under
32 paragraph (1) of this subsection shall serve at the pleasure of the Commission.

33 (c) [With the approval of the Secretary, the] THE Commission shall employ
34 other individuals as necessary to carry out this subtitle.

1 (d) The Executive Director, the Deputy Director, and other employees of the
2 Commission are entitled to receive compensation as established by the Commission in
3 accordance with the State budget.

4 8-208.

5 (A) ~~Subject to the authority of the Secretary, the~~ THE Commission has the
6 following powers and duties:

7 (1) to prescribe standards for the approval and continuation of approval
8 of schools that conduct correctional, parole, or probation entrance level and in-service
9 training courses required by the Commission, including State, regional, county, and
10 municipal training schools;

11 (2) to approve and issue certificates of approval to correctional training
12 schools;

13 (3) to inspect correctional training schools;

14 (4) to revoke, for cause, any approval or certificate of approval issued to
15 a correctional training school;

16 (5) to prescribe the following for correctional training schools:

17 (i) curriculum;

18 (ii) courses of study;

19 (iii) attendance requirements;

20 (iv) eligibility requirements;

21 (v) equipment and facilities;

22 (vi) standards of operation; and

23 (vii) minimum qualifications for instructors;

24 (6) to certify and issue appropriate certificates to qualified instructors
25 for approved correctional training schools;

26 (7) to certify and issue appropriate certificates to correctional officers
27 who have satisfactorily completed training programs;

28 (8) to conduct and operate approved correctional training schools;

29 (9) to adopt regulations necessary to carry out this subtitle, including
30 regulations that establish and enforce standards for prior substance abuse by
31 individuals applying for certification as a correctional officer;

1 (10) to make a continuous study of correctional training methods and
2 procedures for all correctional training schools;

3 (11) to consult with and accept the cooperation of any recognized federal,
4 State, or municipal correctional agency or educational institution;

5 (12) to consult and cooperate with universities, colleges, and institutions
6 to develop all general and specialized courses of study for correctional officers;

7 (13) to consult and cooperate with other units of the State concerned with
8 correctional training; [and]

9 (14) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO DEVELOP AND
10 IMPLEMENT SPECIFIC PROGRAM DESIGN AND APPROPRIATE COURSE CURRICULUM
11 AND TRAINING FOR CORRECTIONAL OFFICERS HAVING CARE AND CUSTODY AND
12 SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS
13 THAT HAVE BEEN COMMITTED, HAVE BEEN DETAINED, ARE AWAITING PLACEMENT,
14 OR HAVE BEEN ADJUDICATED DELINQUENT DEPARTMENT OF JUVENILE JUSTICE
15 EMPLOYEES; AND

16 (15) to perform any other act that is necessary or appropriate to carry out
17 this subtitle.

18 (B) FOR ANY CONTRACT ENTERED ON OR AFTER JULY 1, 2000 BETWEEN THE
19 DEPARTMENT OF JUVENILE JUSTICE AND ANY NONPROFIT OR FOR-PROFIT ENTITY,
20 THE COST AND EXPENSES FOR ANY COURSE OR TRAINING REQUIRED UNDER
21 SUBSECTION (A)(14) OF THIS SECTION FOR DEPARTMENT OF JUVENILE JUSTICE
22 EMPLOYEES WHO ARE EMPLOYEES OF ANY NONPROFIT OR FOR-PROFIT ENTITY
23 UNDER CONTRACT WITH THE DEPARTMENT OF JUVENILE JUSTICE SHALL BE PAID
24 FOR OR REIMBURSED BY THE NONPROFIT OR FOR-PROFIT ENTITY, AND MAY NOT BE
25 A PART OF OR REIMBURSED BY FUNDS FROM THE CONTRACT WITH THE
26 DEPARTMENT OF JUVENILE JUSTICE.

27 8-209.

28 (a) ~~{An} EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN~~
29 individual may not be given or accept a probationary or permanent appointment as
30 correctional officer, correctional supervisor, or correctional administrator unless the
31 individual satisfactorily meets minimum qualifications established by the
32 Commission.

33 (b) A probationary appointment as a correctional officer, correctional
34 supervisor, or correctional administrator may be made for no more than 1 year for the
35 purpose of enabling the individual seeking permanent appointment to take a training
36 course prescribed by the Commission.

37 (c) A probationary appointee is entitled to a leave of absence with pay during
38 the period of the training program.

1 (D) ~~FOR DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE~~
2 ~~JUSTICE AND ANY NONPROFIT OR FOR PROFIT ENTITY WHICH IS UNDER CONTRACT~~
3 ~~TO THE DEPARTMENT OF JUVENILE JUSTICE, THE SECRETARY OF JUVENILE~~
4 ~~JUSTICE THE COMMISSION SHALL ESTABLISH THE MINIMUM QUALIFICATIONS FOR~~
5 ~~PROBATIONARY OR PERMANENT APPOINTMENT AS A CORRECTIONAL OFFICER AS~~
6 ~~DEFINED IN § 8-201 DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE.~~

7 ~~8-210.~~

8 ~~Except as expressly provided in this subtitle, this subtitle does not limit the~~
9 ~~powers, rights, duties, or responsibilities of a municipal or county government OR THE~~
10 ~~SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE.~~

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2000.