

# HOUSE BILL 176

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By: **Delegate Guzzone (Chair, Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities)**

Introduced and read first time: January 15, 2014

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Correctional Facilities – Officers and Inspection**  
3 **Standards**

4 FOR the purpose of authorizing the appointing authority of a State correctional  
5 facility to impose on a correctional officer an emergency suspension of  
6 correctional powers without pay if the correctional officer is charged with a  
7 certain contraband violation; requiring the Secretary of Public Safety and  
8 Correctional Services to direct the Department of Public Safety and  
9 Correctional Services to study certain issues on or before a certain date;  
10 requiring the Secretary to adopt certain regulations, provide a certain schedule,  
11 and make a certain report to the Governor and General Assembly on or before a  
12 certain date; and generally relating to public safety and security in State and  
13 local correctional facilities.

14 BY repealing and reenacting, with amendments,  
15 Article – Correctional Services  
16 Section 10–913  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Criminal Law  
21 Section 9–412, 9–415, 9–416, and 9–417  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2013 Supplement)

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

26 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-913.

2 (a) This subtitle does not prohibit emergency suspension with pay by a  
3 correctional officer of higher rank as designated by the appointing authority.

4 (b) (1) The appointing authority may impose emergency suspension with  
5 pay if it appears that the action is in the best interest of the inmates, the public, and  
6 the correctional facility.

7 (2) If the correctional officer is suspended with pay, the appointing  
8 authority may suspend the correctional powers of the correctional officer and reassign  
9 the correctional officer to restricted duties pending:

10 (i) a determination by a court with respect to a criminal  
11 violation; or

12 (ii) a final determination by the hearing board or the Office of  
13 Administrative Hearings with respect to a correctional facility violation.

14 (3) A correctional officer who is suspended under this subsection is  
15 entitled to a prompt hearing.

16 (c) (1) [If a correctional officer is charged with a felony, the] **THE**  
17 appointing authority may impose an emergency suspension of correctional powers  
18 without pay **IF:**

19 **(I) A CORRECTIONAL OFFICER IS CHARGED WITH A**  
20 **FELONY; OR**

21 **(II) A CORRECTIONAL OFFICER IS CHARGED WITH A**  
22 **VIOLATION OF § 9-412, § 9-415, § 9-416, OR § 9-417 OF THE CRIMINAL LAW**  
23 **ARTICLE.**

24 (2) A correctional officer who is suspended under paragraph (1) of this  
25 subsection is entitled to a prompt hearing, held no more than 90 days after the  
26 suspension.

27 (3) Except as provided in paragraph (4) of this subsection, a  
28 correctional officer who is suspended under paragraph (1) of this subsection and who is  
29 not convicted of the felony for which the suspension was imposed shall have:

30 (i) the suspension rescinded; and

31 (ii) any lost time, compensation, status, and benefits restored.



1 9-416.

2 (a) A person may not:

3 (1) deliver a controlled dangerous substance to a person detained or  
4 confined in a place of confinement; or

5 (2) possess a controlled dangerous substance with the intent to deliver  
6 it to a person detained or confined in a place of confinement.

7 (b) A person detained or confined in a place of confinement may not  
8 knowingly possess or receive a controlled dangerous substance.

9 (c) A person who violates this section is guilty of a misdemeanor and on  
10 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
11 \$1,000 or both.

12 9-417.

13 (a) (1) A person may not deliver a telecommunication device to a person  
14 detained or confined in a place of confinement with signs posted indicating that such  
15 conduct is prohibited.

16 (2) A person may not possess a telecommunication device with the  
17 intent to deliver it to a person detained or confined in a place of confinement with  
18 signs posted indicating that such conduct is prohibited.

19 (3) A person may not deposit or conceal a telecommunication device in  
20 or about a place of confinement with signs posted indicating that such conduct is  
21 prohibited or on any land appurtenant to the place of confinement with the intent that  
22 it be obtained by a person detained or confined in the place of confinement.

23 (4) A person detained or confined in a place of confinement may not  
24 knowingly possess or receive a telecommunication device.

25 (b) A person who violates this section is guilty of a misdemeanor and on  
26 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding  
27 \$1,000 or both.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
29 2014, the Secretary of Public Safety and Correctional Services shall:

30 (1) direct the Department to study:

1                   (i)     the extent to which correctional facilities in the State are in  
2 compliance with mandatory standards set by the Maryland Commission on  
3 Correctional Standards;

4                   (ii)    methods to prevent duplication of efforts and resources with  
5 facility evaluations conducted by both the Commission and the American Correctional  
6 Association; and

7                   (iii)  methods to align standards at all correctional facilities,  
8 regardless of whether the facility is accredited by the American Correctional  
9 Association;

10                 (2)    adopt regulations amending the Commission's standards in  
11 accordance with the results of the study;

12                 (3)    provide the proposed implementation schedule for American  
13 Correctional Association accreditation at each correctional facility; and

14                 (4)    report the study findings and accompanying regulatory changes to  
15 the Governor and General Assembly, in accordance with § 2-1246 of the State  
16 Government Article.

17                 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2014.