

HOUSE BILL 1274

E4, B1, B5

4lr1328

By: **Delegates Cluster, Arentz, Aumann, Bates, Beitzel, Boteler, Costa, Eckardt, Elliott, Frank, George, Glass, Haddaway-Riccio, Hogan, Hough, Impallaria, Jacobs, Kipke, Krebs, McComas, McDermott, McDonough, Myers, Norman, Otto, Ready, Schulz, Smigiel, Stocksdales, Szeliga, and Vitale**

Introduced and read first time: February 7, 2014

Assigned to: Appropriations and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Baltimore City Detention Center – Transfer of**
3 **Ownership**

4 FOR the purpose of abolishing the Division of Pretrial Detention and Services within
5 the Department of Public Safety and Correctional Services; repealing the
6 authority of the Division of Pretrial Detention and Services to operate and
7 control the Baltimore City Detention Center and the centralized booking facility
8 for Baltimore City; repealing certain findings and policies relating to inmates
9 housed at the Detention Center; repealing certain provisions relating to inmate
10 medical care; establishing certain policies and findings relating to the transfer
11 of ownership of the Detention Center from the State to the City of Baltimore;
12 providing for the commitment of certain persons after a certain date; providing
13 for the transfer of title to and possession and preservation of certain records;
14 providing for the termination of employees of the Detention Center; requiring
15 the State to provide certain leave benefits to former employees of the Detention
16 Center; specifying certain financial responsibilities of the State; providing for
17 the hiring of former employees of the Detention Center under certain
18 circumstances at certain salaries; providing for certain pension and health
19 insurance benefits for certain former employees of the Detention Center;
20 authorizing the Mayor of Baltimore City to accept certain liabilities and assume
21 certain contracts of the State under certain circumstances; specifying the
22 applicability of the Maryland Tort Claims Act; authorizing the Mayor of
23 Baltimore City to assume certain procurement and construction contracts
24 entered into by the State under certain circumstances; directing the transfer of
25 property, assets, licenses, credits, and rights of the Detention Center to the
26 Mayor of Baltimore City; providing that the transfer of the property, assets,
27 licenses, credits, and rights of the Detention Center may not go into effect until

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 it is approved by the Board of Public Works; requiring the State to pay the
2 operating and capital costs of the Detention Center in specified years; requiring
3 the City of Baltimore to pay a certain part of the operating and capital costs of
4 the Detention Center in a specified year; requiring the City of Baltimore to pay
5 all of the operating and capital costs of the Detention Center beginning in a
6 specified year; requiring that the Mayor of Baltimore City and the Secretary of
7 Budget and Management enter into a certain memorandum of understanding;
8 providing that the memorandum of understanding may not go into effect until
9 approved by the Board of Public Works; requiring the City of Baltimore and the
10 State to establish a certain process to inform and advise certain employees
11 about certain matters; providing that certain employees may present certain
12 grievances; specifying certain contractual obligations; altering the definition of
13 “local correctional facility” to include a facility operated by Baltimore City;
14 making certain conforming changes; repealing and correcting certain references;
15 defining a certain term; and generally relating to the Baltimore City Detention
16 Center.

17 BY repealing and reenacting, without amendments,
18 Article – Correctional Services
19 Section 1–101(a)
20 Annotated Code of Maryland
21 (2008 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Correctional Services
24 Section 1–101(j) and (o), 9–106, 9–604, 10–304, 10–701(c)(1)(vi), 10–801(a),
25 (c)(1), and (d), and 11–704
26 Annotated Code of Maryland
27 (2008 Replacement Volume and 2013 Supplement)

28 BY repealing
29 Article – Correctional Services
30 Section 5–101 and 5–102 and the subtitle “Subtitle 1. Definitions; General
31 Provisions”; 5–201, 5–202, and 5–203 and the subtitle “Subtitle 2.
32 Division of Pretrial Detention and Services”; 5–301 and 5–302 and the
33 subtitle “Subtitle 3. Pretrial Release Services Program”; 5–401 through
34 5–406 and the subtitle “Subtitle 4. Baltimore City Detention Center”; and
35 the title “Title 5. Division of Pretrial Detention and Services”; and 11–101
36 Annotated Code of Maryland
37 (2008 Replacement Volume and 2013 Supplement)

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

40 **Article – Correctional Services**

41 1–101.

1 (a) In this article the following words have the meanings indicated.

2 (j) “Local correctional facility” means a correctional facility that is operated:

3 (1) by one or more counties; [or]

4 (2) **BY BALTIMORE CITY; OR**

5 **(3)** by a municipal corporation.

6 (o) (1) “State correctional facility” means a correctional facility that is
7 operated by the State.

8 (2) “State correctional facility” includes[:

9 (i)] the Patuxent Institution[;

10 (ii) the Baltimore City Detention Center; and

11 (iii) the centralized booking facility in Baltimore City that is
12 operated by the Division of Pretrial Detention and Services in the Department of
13 Public Safety and Correctional Services].

14 [Title 5. Division of Pretrial Detention and Services.]

15 [Subtitle 1. Definitions; General Provisions.]

16 [5–101.

17 (a) In this title the following words have the meanings indicated.

18 (b) “Commissioner” means the Commissioner of Pretrial Detention and
19 Services.

20 (c) “Division” means the Division of Pretrial Detention and Services.]

21 [5–102.

22 (a) The creation of the Division is based on the findings and policies set forth
23 in this section.

24 (b) (1) Each year a large number of individuals have criminal charges
25 placed against them in Baltimore City and remain on pretrial status until these
26 charges are adjudicated.

1 (2) Many of the individuals on pretrial status were formerly
2 committed to the Baltimore City Jail.

3 (c) There is an important public need to centralize and coordinate the
4 provision of services to individuals on a pretrial status in Baltimore City.

5 (d) Baltimore City does not have the financial resources to fund a local
6 correctional facility at a level sufficient to meet the needs of those incarcerated.

7 (e) The State recognizes the need to provide effective and efficient services to
8 the public through management of the pretrial population in Baltimore City.]

9 [Subtitle 2. Division of Pretrial Detention and Services.]

10 [5-201.

11 (a) There is a Division of Pretrial Detention and Services in the Department.

12 (b) The Division consists of:

13 (1) a Pretrial Release Services Program;

14 (2) a Baltimore City Detention Center; and

15 (3) a centralized booking facility for Baltimore City.

16 (c) The Division has the same authority with regard to the custody of its
17 inmates and the operation of the Baltimore City Detention Center as:

18 (1) the Division of Correction has under this Code with regard to the
19 custody of its inmates and the operation of the Division of Correction; and

20 (2) the sheriffs have under this Code with regard to the detention of
21 inmates committed to their custody and the operation of local correctional facilities.

22 (d) This title does not limit or supersede the authority of a court to determine
23 the conditions of pretrial release.]

24 [5-202.

25 (a) With the approval of the Governor, the Secretary shall appoint a
26 Commissioner of Pretrial Detention and Services.

27 (b) The Commissioner serves at the pleasure of the Secretary.

28 (c) The Commissioner:

1 (1) has the same authority over the Division as this Code vests in the
2 Commissioner of Correction over the Division of Correction;

3 (2) shall keep safely any inmate committed or transferred to the
4 custody of the Commissioner until the inmate is discharged in accordance with law;

5 (3) is in charge of the Division, subject to the authority of the
6 Secretary;

7 (4) is the appointing authority for all employees of the Division;

8 (5) shall establish a home detention program under terms and
9 conditions that the Secretary provides;

10 (6) may enter agreements with the Commissioner of Correction and
11 governmental units for the housing of any inmate held in the Baltimore City
12 Detention Center;

13 (7) may enter agreements for the housing of any inmate committed to
14 federal or local governmental units in the Baltimore City Detention Center; and

15 (8) may enter other agreements necessary to carry out the purposes of
16 this title.

17 (d) (1) Subject to paragraph (2) of this subsection and notwithstanding
18 any other provision of law, the Commissioner shall establish by regulation the terms
19 and conditions of the home detention program required under subsection (c)(5) of this
20 section.

21 (2) The authority of a court to determine the conditions of pretrial
22 release or to find that a defendant awaiting trial may not be placed on a home
23 detention program may not be limited or superseded by:

24 (i) a regulation of the Division or Department; or

25 (ii) the Division or the Commissioner.]

26 [5-203.

27 (a) With the approval of the Secretary, the Commissioner shall appoint a
28 Deputy Commissioner of Pretrial Detention and Services.

29 (b) The Deputy Commissioner serves at the pleasure of the Commissioner.

30 (c) The Deputy Commissioner shall be the acting Commissioner in the
31 absence of the Commissioner.]

1 [Subtitle 3. Pretrial Release Services Program.]

2 [5-301.

3 (a) There is a Pretrial Release Services Program in the Division.

4 (b) Subject to the authority of the Commissioner and in addition to any other
5 duties established by law, the Pretrial Release Services Program shall perform the
6 pretrial release duties formerly performed by the Pretrial Release Services Division of
7 the Department of Public Safety and Correctional Services, the Pretrial Release
8 Committee, and the Division of Parole and Probation.]

9 [5-302.

10 (a) (1) With the approval of the Secretary, the Commissioner shall
11 appoint the Director and Deputy Director of the Pretrial Release Services Program.

12 (2) The Director is the head of the Pretrial Release Services Program.

13 (b) (1) The Director and Deputy Director of the Pretrial Release Services
14 Program serve at the pleasure of the Commissioner.

15 (2) The Director and Deputy Director are entitled to the compensation
16 provided in the State budget.]

17 [Subtitle 4. Baltimore City Detention Center.]

18 [5-401.

19 (a) There is a Baltimore City Detention Center in the Division.

20 (b) The Baltimore City Detention Center is a pretrial detention facility for
21 inmates committed or transferred to the custody of the Commissioner.

22 (c) The Secretary may authorize the housing in the Baltimore City Detention
23 Center of any inmate held in custody under any unit in the Department.]

24 [5-402.

25 (a) With the approval of the Secretary, the Commissioner shall appoint a
26 warden of the Baltimore City Detention Center.

27 (b) The warden serves at the pleasure of the Commissioner.

28 (c) Subject to the authority of the Commissioner and the Secretary, the
29 warden is in charge of the Baltimore City Detention Center.]

1 [5-403.

2 (a) The Commissioner may appoint assistant wardens for the Baltimore City
3 Detention Center as provided in the State budget.

4 (b) An assistant warden serves at the pleasure of the Commissioner.

5 (c) Subject to the authority of the Commissioner and the Secretary, in the
6 absence of the warden, an assistant warden designated by the warden is in charge of
7 the Baltimore City Detention Center.]

8 [5-404.

9 (a) The Division shall operate a centralized booking facility for Baltimore
10 City.

11 (b) The centralized booking facility shall include:

12 (1) pretrial release services;

13 (2) District Court Commissioners;

14 (3) an Office of the State's Attorney for Baltimore City; and

15 (4) Baltimore City Police Services.

16 (c) The centralized booking facility or the Baltimore City Detention Center
17 shall be equipped for video bail review.]

18 [5-405.

19 (a) An inmate in the Baltimore City Detention Center who is sick, injured, or
20 disabled shall:

21 (1) reimburse the State, as appropriate, for the payment of medical
22 expenses; and

23 (2) provide the warden with any information relating to:

24 (i) the existence of any health insurance, group health plan, or
25 prepaid medical care coverage under which the inmate is insured or covered;

26 (ii) the inmate's eligibility for benefits under the Maryland
27 Medical Assistance Program;

28 (iii) the name and address of the third party payor; and

1 (iv) any policy or other identifying number relating to items (i)
2 through (iii) of this item.

3 (b) (1) In addition to obtaining any reimbursement authorized under
4 subsection (a) of this section and subject to paragraph (4) of this subsection, the
5 Department shall establish a reasonable fee, not to exceed \$4, for each visit by an
6 inmate to an institutional medical unit or noninstitutional physician, dentist, or
7 optometrist.

8 (2) The per visit fee shall be deducted from an inmate's spending
9 financial account, reserve financial account, or similar account held by the warden on
10 behalf of the inmate.

11 (3) The fees collected under this subsection shall be deposited in the
12 General Fund of the State.

13 (4) This subsection does not apply to a visit by an inmate to a medical
14 unit or a physician, dentist, or optometrist if the visit is:

15 (i) required as a part of the intake process;

16 (ii) required for an initial physical examination;

17 (iii) due to a referral by a nurse or physician's assistant;

18 (iv) provided during a follow-up visit that is initiated by a
19 medical professional from the Baltimore City Detention Center;

20 (v) initiated by a medical or mental health staff member of the
21 Baltimore City Detention Center; or

22 (vi) required for necessary treatment.

23 (c) Subsections (a) and (b) of this section do not impose liability for
24 reimbursement or payment of medical expenses on any person other than an inmate
25 personally or through a person that provides insurance, coverage, or other benefits
26 described under subsection (a) of this section.]

27 [5-406.

28 (a) On the recommendation of a health care provider, the warden of the
29 Baltimore City Detention Center and the warden's designees may authorize medical
30 treatment of a juvenile inmate when in the judgment of the warden or a designee the
31 treatment is required and a parent, guardian, or person in loco parentis of the juvenile
32 is not available on a timely basis to give the authorization.

1 (b) The warden or the warden's designees may not be held liable for
2 authorizing medical treatment under this section in good faith.]

3 9–106.

4 (a) This section applies only in Baltimore City.

5 (b) Notwithstanding any other law, a judge who imposes a sentence of
6 imprisonment on an individual shall commit the individual to the custody of the
7 Commissioner of Correction.

8 (c) A judge who commits an individual to custody for any purpose other than
9 service of a sentence shall commit the individual to the custody of the [Commissioner
10 of Pretrial Detention and Services] **MAYOR OF BALTIMORE CITY OR THE MAYOR'S**
11 **DESIGNEE.**

12 9–604.

13 (a) Subject to subsections (c) and (d) of this section, the State shall pay the
14 funeral and burial expenses of an indigent inmate who dies while in the custody of a
15 State correctional facility.

16 (b) The State shall pay the same amount for the funeral and burial expenses
17 of an indigent inmate as the Department of Human Resources pays under § 5–415 of
18 the Human Services Article.

19 (c) To be eligible to receive the benefit under this section, the family of an
20 indigent inmate must be known or registered with the Department of Human
21 Resources.

22 (d) If the body of an indigent inmate is not claimed within 48 hours after
23 death, the State Anatomy Board shall take control of the body for final disposition in
24 accordance with § 5–406 of the Health – General Article.

25 (e) The Commissioner of Correction[, the Commissioner of Pretrial Detention
26 and Services,] and the Director of the Patuxent Institution shall adopt regulations
27 establishing procedures to carry out this section.

28 10–304.

29 The Board shall administer benefits as provided under this subtitle to an
30 individual who, while an inmate in the Patuxent Institution[, the Baltimore City
31 Detention Center,] or a correctional facility in the Division of Correction:

32 (1) was engaged in work for which wages or a stipulated sum of money
33 was paid by a correctional facility; and

1 (2) sustained a permanent partial disability or permanent total
2 disability:

3 (i) as a result of a personal injury arising out of and in the
4 course of work for which wages or a stipulated sum of money was paid by a
5 correctional facility; and

6 (ii) that incapacitated the individual or materially reduced the
7 individual's earning power in that type of work.

8 10-701.

9 (c) (1) An investigator in the Internal Investigative Unit may exercise the
10 powers of a peace or police officer in the State on property that is not owned, leased,
11 operated by, or under the control of the Department when:

12 (vi) engaged in an active and official investigation of an inmate
13 in the custody of the Commissioner of Correction [or the Commissioner of Pretrial
14 Detention and Services], an inmate subject to the jurisdiction of the Patuxent
15 Institution, or an individual sentenced to probation or released on parole or mandatory
16 supervision; or

17 10-801.

18 (a) In this section:

19 (1) “contraband” means any item, material, substance, or other thing
20 of value that:

21 (i) is not authorized for inmate possession by the Commissioner
22 of Correction, the Director of Patuxent Institution, [the Commissioner of Pretrial
23 Detention and Services,] or the warden of a State correctional facility; or

24 (ii) is brought into a State correctional facility in a manner
25 prohibited by the Commissioner of Correction, the Director of Patuxent Institution,
26 [the Commissioner of Pretrial Detention and Services,] or the warden of a State
27 correctional facility.

28 (2) “contraband” includes any other property defined in regulations by
29 the Commissioner of Correction[,] **OR** the Director of Patuxent Institution[, or the
30 Commissioner of Pretrial Detention and Services].

31 (c) (1) The Commissioner of Correction[, the] **AND THE** Director of the
32 Patuxent Institution[, and the Commissioner of Pretrial Detention and Services] shall
33 adopt regulations:

1 (d) (1) Personal property that is unclaimed within the 30-day holding
2 period established under subsection (b) of this section shall be deemed abandoned
3 property.

4 (2) Abandoned property may be sold, converted to the use of the
5 Division of Correction[,] OR the Patuxent Institution, [or the Division of Pretrial
6 Detention and Services,] or otherwise disposed of in accordance with procedures
7 established by regulation.

8 (3) All claims to abandoned property are absolutely barred.

9 [11-101.

10 Except as provided in § 11-102.1 of this subtitle, this subtitle does not apply to
11 Baltimore City.]

12 11-704.

13 (a) [In this section, “Commissioner” means the Commissioner of Pretrial
14 Detention and Services.

15 (b)] This section applies only in Baltimore City.

16 [(c) (B) (1) The [Commissioner] **MAYOR OF BALTIMORE CITY OR**
17 **THE MAYOR’S DESIGNEE** may allow an inmate of the Baltimore City Detention
18 Center to participate in one of the activities specified in paragraph (2) of this
19 subsection during the period of custody if the participation:

20 (i) is approved by the judge ordering confinement or, if that
21 judge is unable to act, by another judge of the committing court; and

22 (ii) is in accordance with available programs.

23 (2) Subject to paragraph (1) of this subsection, an inmate may:

24 (i) continue regular employment;

25 (ii) obtain new employment;

26 (iii) participate in a training, rehabilitation, or other special
27 program; or

28 (iv) attend an educational institution.

1 (3) (i) An inmate who is authorized to participate in a program
2 under this subsection shall be held in custody between program hours or periods.

3 (ii) The [Commissioner or Commissioner's] **MAYOR OF**
4 **BALTIMORE CITY OR THE MAYOR'S** designee may allow an inmate who is
5 authorized to participate in a program under this subsection to be held in custody
6 through home detention by the use of electronic monitoring devices.

7 (iii) Subject to the availability of funds, the [Commissioner]
8 **MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE** may contract for
9 halfway houses or other suitable housing facilities or electronic monitoring devices for
10 inmates authorized to participate in a program under this subsection.

11 [(d)] (C) (1) An inmate who is employed under a work release program
12 shall surrender to the [Commissioner or Commissioner's] **MAYOR OF BALTIMORE**
13 **CITY OR THE MAYOR'S** designee the total earnings of the inmate under the program,
14 less payroll deductions required by law.

15 (2) From the net earnings of the inmate, the [Commissioner or
16 Commissioner's] **MAYOR OF BALTIMORE CITY OR THE MAYOR'S** designee shall
17 deduct in the following order of priority:

18 (i) an amount not to exceed one-third of the inmate's net
19 earnings for the cost [to the State] of providing food, lodging, electronic monitoring
20 devices, and clothing for the inmate;

21 (ii) the actual and necessary food, travel, and other expenses of
22 the inmate when released from actual custody under the program;

23 (iii) the amount, if any, that the inmate is legally obligated to
24 pay for the support of a dependent by court order directed to the [Commissioner]
25 **MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE**; and

26 (iv) the amount for court-ordered payments for restitution.

27 (3) The [Commissioner or Commissioner's] **MAYOR OF BALTIMORE**
28 **CITY OR THE MAYOR'S** designee shall pay any amount deducted as required by
29 paragraph (2)(iii) of this subsection as the court order directs.

30 (4) The [Commissioner or Commissioner's] **MAYOR OF BALTIMORE**
31 **CITY OR THE MAYOR'S** designee shall:

32 (i) credit to the inmate's account any remaining balance; and

33 (ii) pay the balance in the inmate's account to the inmate on
34 release.

1 (5) If any part of the inmate's final earnings under a work release
2 program are required to satisfy the deductions specified in paragraph (2) of this
3 subsection, the balance of the final earnings shall be forwarded to the inmate within
4 15 days after the date of release from the Baltimore City Detention Center.

5 **[(e)] (D)** (1) A court may require an individual who is convicted of a
6 crime to satisfy a fine or court costs by participating in a work program established
7 under the jurisdiction of the Division of Parole and Probation in Baltimore City.

8 (2) An individual who participates in the work program shall receive a
9 credit of at least the federal minimum wage per hour toward the fine or court costs.

10 SECTION 2. AND BE IT FURTHER ENACTED, That:

11 (a) The General Assembly finds:

12 (1) the Division of Pretrial Detention and Services was established
13 within the Department of Public Safety and Correctional Services in 1991 under
14 Chapter 59 of the Acts of the General Assembly of 1991;

15 (2) when the Division of Pretrial Detention and Services was formed,
16 the State assumed responsibility for the Baltimore City Jail and renamed it the
17 Baltimore City Detention Center;

18 (3) since 1991, the State has assumed the fiscal responsibility of
19 funding the operating and capital costs of the Baltimore Detention Center; and

20 (4) except in Baltimore City, each local correctional facility is operated
21 and funded by the local jurisdiction.

22 (b) Consistent with the practices of other local jurisdictions in the State, it is
23 the intent of the General Assembly that the City of Baltimore resume operating the
24 Baltimore City Detention Center and related local correctional facilities.

25 SECTION 3. AND BE IT FURTHER ENACTED, That:

26 (a) Any person committed to the custody of the Baltimore City Detention
27 Center as of January 1, 2015, is, on that date, committed to the custody of the Mayor
28 of Baltimore City or the Mayor's designee.

29 (b) (1) On January 1, 2015, title to and possession of all records
30 concerning inmates housed as of that date at the Baltimore City Detention Center
31 shall be transferred to the Mayor of Baltimore City or the Mayor's designee.

32 (2) (i) Except as provided in paragraph (1) of this subsection, all
33 administrative, financial, operational, inmate, and other records concerning the

1 Baltimore City Detention Center shall be preserved by the State for a period of 5 years
2 or for any other period of time that is agreed to between the State and the Mayor of
3 Baltimore City.

4 (ii) On request, the State shall transfer possession of the records
5 under subparagraph (i) of this paragraph to the Mayor of Baltimore City or the
6 Mayor's designee.

7 (iii) Personnel records shall be made available, on request, to
8 any employee, including a correctional officer, who requires the records in connection
9 with the performance of the employee's official duties.

10 SECTION 4. AND BE IT FURTHER ENACTED, That:

11 (a) In this section, "employee" includes a correctional officer.

12 (b) On December 31, 2014, every employee of the Baltimore City Detention
13 Center shall be terminated from State employment.

14 (c) (1) Any sick leave or other benefit that has been earned or accrued by
15 an employee of the Baltimore City Detention Center as of December 31, 2014, shall be
16 the sole financial responsibility of the State.

17 (2) In accordance with paragraph (1) of this subsection, the State shall
18 pay whatever money is due to an employee of the Baltimore City Detention Center on
19 termination of State employment.

20 (d) Notwithstanding any other provision of local law, on January 1, 2015, the
21 Mayor of Baltimore City may employ, as the Mayor deems necessary, any employee of
22 the Baltimore City Detention Center at the same salary received on December 31,
23 2014, or the salary received at the time of employment, whichever is greater, without
24 further examination or qualification.

25 (e) (1) The City of Baltimore and the State of Maryland shall establish a
26 process to:

27 (i) inform and advise employees of the Baltimore City
28 Detention Center of their employment status and the terms and conditions of
29 employment, if any, with Baltimore City; and

30 (ii) offer counseling as to the range of options available.

31 (2) Employees of the Baltimore City Detention Center who will not be
32 employed on January 1, 2015, by Baltimore City shall be given 2 weeks' advance
33 notice by the Mayor of Baltimore City or the Mayor's designee that they will not be
34 employed on January 1, 2015, by Baltimore City.

1 (3) This section may not be construed to create any right of
2 employment with the City of Baltimore.

3 (f) (1) All employees of the Baltimore City Detention Center may present
4 grievances as permitted under the State Personnel and Pensions Article of the
5 Annotated Code of Maryland.

6 (2) An employee may be represented by an attorney or other
7 designated representative.

8 (g) (1) Except as provided in subsection (h) of this section, each former
9 Baltimore City Detention Center employee shall remain a member of the Maryland
10 State Retirement and Pension System.

11 (2) (i) The City of Baltimore shall contribute the annual cost of the
12 pension coverage to the Maryland State Retirement and Pension System.

13 (ii) The cost of the pension coverage under subparagraph (i) of
14 this paragraph shall be based on the contribution rate applicable to all other members,
15 as determined by the Board of Trustees for the State Retirement and Pension System.

16 (h) (1) On retirement, each employee shall receive the same health
17 insurance benefits as other members of the Maryland State Retirement and Pension
18 System.

19 (2) An employee who elects to remain a member of the Maryland State
20 Retirement and Pension System shall not be entitled to receive retiree health
21 insurance benefits from the City of Baltimore.

22 (i) (1) Notwithstanding any other provision of State or local law, a former
23 Baltimore City Detention Center employee may elect to enroll in and become a new
24 member of the Employees' Retirement System of the City of Baltimore on July 1, 2018.

25 (2) A former Baltimore City Detention Center employee shall be
26 entitled to a vested allowance, as provided for in the Maryland State Retirement and
27 Pension System, to be paid by the State for service credited to the System.

28 (3) On retirement, each employee may elect to participate in either:

29 (i) the State employee health insurance program for retirees,
30 under the same terms and conditions as other State employees as set forth in the
31 State Personnel and Pensions Article; or

32 (ii) the Baltimore City health insurance program for retirees,
33 under the same terms and conditions as other members of the Employees' Retirement
34 System of the City of Baltimore.

1 (4) If a Baltimore City Detention Center employee who has elected to
2 enroll in the Employees' Retirement System of the City of Baltimore is not eligible to
3 receive a vested allowance in accordance with paragraph (2) of this subsection, the
4 employee shall receive a cash payment from the State equivalent to the value of the
5 employee accrued benefit in the Maryland State Retirement and Pension System, as
6 determined by the State's actuary.

7 SECTION 5. AND BE IT FURTHER ENACTED, That:

8 (a) (1) The Mayor of Baltimore City may assume in writing such
9 liabilities and obligations of the State as the Mayor considers necessary and useful.

10 (2) No liability, contract, or obligation of the State is a liability,
11 contract, or obligation of the City of Baltimore unless such liability, contract, or
12 obligation in expressly assumed by the Mayor of Baltimore City in writing.

13 (b) (1) The State shall indemnify and hold harmless the City of Baltimore
14 for any judgments, damages, liens, settlements, consent decrees, and other costs
15 arising from the operations of the Baltimore City Detention Center or the acts or
16 omissions of detention center employees, officers, or agents that occurred on or before
17 December 31, 2014.

18 (2) On or after January 1, 2015, an employee of the Baltimore City
19 Detention Center, including a correctional officer, shall be covered by the Maryland
20 Tort Claims Act for any act or omission that occurred in connection with the
21 performance of the employee's duties on or before December 31, 2014.

22 (c) (1) For purposes of this subsection "procurement contract" has the
23 meaning stated in § 11-101 of the State Finance and Procurement Article.

24 (2) Before January 1, 2015, the Mayor of Baltimore City may, in the
25 Mayor's discretion, assume by written agreement as assignee, any procurement
26 contract entered into by or on behalf of the detention center before January 1, 2015.

27 (d) This section does not alter or terminate the State's obligation to
28 Baltimore City, nor Baltimore City's obligation to the State, with respect to any
29 contract for a capital project awarded before January 1, 2015, including any
30 encumbered balances due.

31 SECTION 6. AND BE IT FURTHER ENACTED, That:

32 (a) The Secretary of Public Safety and Correctional Services and the City of
33 Baltimore shall enter into an agreement effective January 1, 2015, for the purpose of
34 transferring all the rights, title, and interests of the property, assets, licenses, and
35 credits of the Baltimore City Detention Center and any property or other assets used
36 or acquired for the detention center to the City of Baltimore, to be used by the

1 detention center, or as otherwise directed or authorized by the Mayor of Baltimore
2 City.

3 (b) The assets and property under subsection (a) of this section shall include:

4 (1) the Baltimore Central Booking and Intake Center;

5 (2) the Men's Detention Center;

6 (3) the Women's Detention Center;

7 (4) the Wyatt Building;

8 (5) the Annex Building;

9 (6) the Jail Industries Building;

10 (7) the Administration Building;

11 (8) the New Youth Detention Center; and

12 (9) the power plant, repair shops, education building, and other
13 related facilities.

14 (c) Subject to subsection (d) of this section, on execution of the agreement
15 under subsection (a) of this section, the State and the City of Baltimore shall make,
16 and the Mayor of Baltimore City shall accept, a conveyance of the real property, other
17 property, assets, licenses, credits, and rights that are the subject of the agreement.

18 (d) The agreement executed by the parties under subsection (a) of this
19 section may not go into effect until it is approved by the Board of Public Works.

20 SECTION 7. AND BE IT FURTHER ENACTED, That:

21 (a) (1) The State shall pay the operating and capital costs of the
22 Baltimore City Detention Center for fiscal years 2015 through 2017.

23 (2) For fiscal year 2018, Baltimore City shall pay one-half of the
24 operating and capital costs of the Baltimore City Detention Center.

25 (3) Beginning in fiscal year 2019, Baltimore City shall pay all of the
26 operating and capital costs of the Baltimore City Detention Center.

27 (b) (1) On or before January 1, 2015, the Mayor of Baltimore City and the
28 Secretary of Budget and Management shall enter into a memorandum of
29 understanding governing the provisions of subsection (a) of this section.

1 (2) The memorandum of understanding under paragraph (1) of this
2 section shall:

3 (i) include the process for submitting and approving the annual
4 budget of the Baltimore City Detention Center;

5 (ii) specify the manner and frequency in which the funding
6 provided by the State to Baltimore City for the operation of the Baltimore City
7 Detention Center shall be audited; and

8 (iii) address any other matter deemed relevant by the parties.

9 (3) The memorandum of understanding executed by the parties under
10 this subsection may not go into effect until it is approved by the Board of Public
11 Works.

12 SECTION 8. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
13 take effect January 1, 2015.

14 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in
15 Section 8 of this Act, this Act shall take effect July 1, 2014.