

# HOUSE BILL 1458

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By: **Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 19, 2014

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Charges Recommending Discipline – Investigative**  
3 **Period**

4 FOR the purpose of establishing that a certain time period after which a certain  
5 appointing authority in the Department of Public Safety and Correctional  
6 Services may not bring charges recommending the imposition of discipline  
7 against a correctional officer does not apply to certain charges of criminal  
8 activity under certain circumstances; and generally relating to disciplinary  
9 procedures for correctional officers.

10 BY repealing and reenacting, with amendments,  
11 Article – Correctional Services  
12 Section 10–907  
13 Annotated Code of Maryland  
14 (2008 Replacement Volume and 2013 Supplement)

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

17 **Article – Correctional Services**

18 10–907.

19 (a) The appointing authority may not bring charges recommending the  
20 imposition of discipline more than 90 days after the Internal Investigative Unit or the  
21 appointing authority acquires knowledge of the action that gives rise to the discipline.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (b)    **THE 90-DAY LIMITATION ESTABLISHED UNDER SUBSECTION (A) OF**  
2 **THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO CRIMINAL**  
3 **ACTIVITY IF:**

4                   (1)    **THE CRIMINAL ACTIVITY:**

5                            (I)    **RELATES TO THE CORRECTIONAL OFFICER'S OFFICIAL**  
6 **DUTIES;**

7                            (II) **ARISES FROM EVENTS THAT OCCUR AT A**  
8 **CORRECTIONAL FACILITY; OR**

9                            (III) **INVOLVES AN INMATE OR DETAINEE AT A**  
10 **CORRECTIONAL FACILITY; AND**

11                   (2)    **AT THE TIME THE ADMINISTRATIVE CHARGES ARE BROUGHT**  
12 **AGAINST THE CORRECTIONAL OFFICER, THE DIRECTOR OF THE INTERNAL**  
13 **INVESTIGATIVE UNIT OR THE DIRECTOR'S DESIGNEE CERTIFIES IN WRITING**  
14 **THAT THE 90-DAY LIMITATION WAS EXTENDED AS A RESULT OF THE**  
15 **CIRCUMSTANCES IN ITEM (1) OF THIS SUBSECTION.**

16           (c)    An appointing authority may not recommend disciplinary action against  
17 a correctional officer for excessive use of force against an inmate based solely on the  
18 uncorroborated statement of the inmate unless the appointing authority determines  
19 that there exists any indicia of reliability to support the inmate's allegation.

20           [(c)] (D)    This section does not limit the right of the Department to  
21 investigate claims of excessive force against inmates to ensure the safety and security  
22 of its correctional facilities, or for any other legitimate purpose.

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2014.