

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 961
Appropriations

(Delegates Hough and Cluster)

Finance

State Correctional Officers' Bill of Rights - Hearing Board - Membership

This bill requires that, under the State Correctional Officers' Bill of Rights (COBR), a hearing board must include one member whose rank is the same as that of the correctional officer against whom the complaint is filed. The bill also repeals specified current law provisions governing the composition of hearing boards under COBR that distinguish between hearings for correctional officers holding the rank of Sergeant or below and for correctional officers holding the rank of Lieutenant or above.

Fiscal Summary

State Effect: The bill's changes can be accommodated by the existing budgeted resources of the Department of Public Safety and Correctional Services (DPSCS).

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 194 of 2010 enacted COBR, which provides for the employment, investigation, and discipline of State correctional officers working in a State correctional facility. COBR extends uniform investigatory and disciplinary protections to officers whose duties relate to the investigation, care, custody, control, or supervision of inmates.

Under COBR, an authorized hearing board must consist of at least three members. For correctional officers holding the rank of Sergeant or below, the hearing board must be

composed of two correctional officers who are members of the bargaining unit, one of whom is the same rank as the correctional officer facing charges, and one correctional officer ranked Lieutenant or higher. For correctional officers holding the rank of Lieutenant and above, the hearing board must be composed of one correctional officer of equal rank, one correctional officer of equal or lower rank, and one correctional officer of equal or higher rank.

Additional Comments: DPSCS notes that the bill may allow a hearing board to consist entirely of officers of the same rank as the correctional officer against whom the complaint is filed.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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mc/lgc

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