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TO: The Honorable Will Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB0087 – Office of the Attorney General – Correctional Ombudsman –
Support

Chair Smith, Vice Chair Waldstreicher, and distinguished Members of the Judicial Proceedings Committee, I write to urge you to favorably report Senate Bill 87. This legislation, sponsored by Sen. Shelly Hettleman, would create a Correctional Ombudsman within the Office of Attorney General to oversee the Department of Public Safety and Correctional Services' treatment of prisoners in its care. In short, the Correctional Ombudsman would serve the same function in adult prisons that the Juvenile Justice Monitoring Unit (also within OAG) serves for the Department of Juvenile Services—that of an independent overseer. This will ensure that the State complies with prisoners substantive, procedural, and constitutional rights while they're incarcerated.

Section 2 of Senate Bill 87 also includes the necessary resources for the OAG to hire “at least two staff members” in 2024, and “at least seven staff members” in 2025, “and each subsequent year.” This is critically necessary because without adequate resources, our Office has been unable to stand up and hire an Educational Ombudsman even though one was called for in legislation that passed the General Assembly in 2020.¹

¹ Senate Bill 504/House Bill 699 (2000) created the Special Education Ombudsman in the Office of the Attorney General. The purpose of the Special Education Ombudsman is to serve as a resource to provide information and support to parents, students, and educators regarding special education rights and services. The Attorney General will be responsible for appointing the Ombudsman. The Ombudsman will serve as a source of knowledge and information on the State and Federal Laws, rules and regulations governing education of students with disabilities; provide impartial information to the parents of students with disabilities on how to navigate the process of obtaining special education evaluations and services, and additional duties serving parents, students and teachers in the state. In addition, the Ombudsman must, on or before July 1, 2022, and each July 1 thereafter, submit a report to the

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

For the foregoing reasons, the OAG urges a favorable report on Senate Bill 87.

cc: Members of the Committee

Senate Education, Health and Environmental Affairs Committee and the House Committee on Ways and Means that includes: (1) number and types of calls received on the toll-free telephone during the previous year; (2) any patterns of complaints; (3) summary of the services provided by the Ombudsman during the previous year, and (4) any recommendations the Ombudsman determines are appropriate and necessary concerning the State's implementation of special education services. The bill passed, with amendments, in the House (129-1) and the Senate (34-11). The bill took effect July 1, 2020, but the neither the Governor nor the General Assembly ever appropriated any funds to fulfill this mandate.