

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Public Safety and Correctional Services  
(DLS Control No. 14-042)**

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**Overview and Legal and Fiscal Impact**

These regulations amend provisions regarding the employment and retention of Department of Public Safety and Correctional Services correctional officers, classification counselors, institutional support staff, monitors, parole and probation agents, and Department of Juvenile Services employees.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Public Safety and Correctional Services:**

Correctional Training Commission: General Regulations: COMAR 12.10.01.02 and .05

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**Legal Analysis**

**Background**

Created in 1966, the Police and Correctional Training Commissions (PCTC), of which the Correctional Training Commission is a part, are a state oversight agency for all law enforcement and correctional agencies in Maryland. The PCTC are responsible for setting minimum hiring standards and training objectives for all personnel hired by law enforcement or correctional agencies in Maryland. The PCTC also maintain training records, mandate in-service training, and operate a training academy.

The PCTC administer the following programs:

- Public Safety Education and Training Center;
- Driver Training;
- Firearms Training;
- Academic and Administrative Center;
- Maryland Community Crime Prevention Institute;
- Drug Abuse Resistance Education (DARE);
- Statewide Selection and Training Standards;

- Police Entrance Level Training Program;
- Correctional Entrance Level Training Program;
- Vehicle Stop Data Analysis; and
- Leadership Development Institute.

## **Summary of Regulations**

The regulations make two additions to provisions regarding the employment and retention of “mandated employees.” Mandated employees are employees who are subject to these regulations, and include correctional officers, classification counselors, institutional support staff, monitors, parole and probation agents, and Department of Juvenile Services employees.

An application for certification (AFC) must be completed by an agency head, such as the Secretary of Juvenile Services or a warden, correctional administrator, or sheriff before an applicant may be hired as a mandated employee. The regulations require an agency head to include with an AFC results of the required National Crime Information Center check or local, State, or national fingerprint check results that reveal that an applicant has served a term of incarceration (1) for a conviction of a misdemeanor offense or (2) as a condition of probation for a felony or misdemeanor criminal offense.

Similarly, the regulations also require that an agency head notify the PCTC when a mandated employee serves a term of incarceration (1) for a conviction of a misdemeanor offense or (2) as a condition of probation for a felony or misdemeanor criminal offense.

## **Legal Issue**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 8-208 of the Correctional Services Article as authority for the regulations. That section lists the powers and duties of the Correctional Training Commission, including the power to adopt regulations necessary to carry out the subtitle establishing the commission. Section 8-209 of the subtitle further prohibits an individual from being given or accepting an appointment as a correctional officer, correctional supervisor, or correctional administrator unless the individual satisfactorily meets minimum qualifications established by the Commission. This authority is correct and complete. The regulations comply with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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