

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/13/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/18/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

12 10 01 02, .05

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator Telephone Number

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5. Name of Person to Call About this Document Telephone No.

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6. Check applicable items:

New Regulations

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

12.10.01 General Regulations

Authority: Correctional Services Article, §8-208, Annotated Code of Maryland,
Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Public Safety and Correctional Services proposes to , in cooperation with the Correctional Training Commission, amend Regulations .02 and .05 under COMAR 12.10.01 — General Regulations.

This action was considered by the Correctional Training Commission at a public meeting on January 15, 2014.

Statement of Purpose

The purpose of this action is to establish requirements for an agency head to report to the Correctional Training Commission:

- (1) Information discovered as part of a criminal history background check that reveals an applicant for a mandated position has served a term of incarceration for a conviction of a misdemeanor offense or, as a condition of probation, for a felony or misdemeanor; and
- (2) When an individual certified in a mandated position serves a term of incarceration for conviction of a misdemeanor offense or as a condition of probation for a felony or misdemeanor.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Thomas C. Smith, Director - Policy Process and Review,
Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville,

MD 21784, or call 410 875 3605, or email to tcsmith@dpscs.state.md.us, or fax to 410 875 3584. Comments will be accepted through 30 days after publishing. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Correctional Training Commission during a public meeting to be held on to be announced, at to be announced.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These are administrative procedures for the Maryland Correctional Training Commission for reporting conviction information related to mandated positions.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations affect State and local government agencies only.

G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 10 CORRECTIONAL TRAINING COMMISSION

Chapter 01 General Regulations

Authority: Correctional Services Article, §8-208, Annotated Code of Maryland

.02 Processing and Reporting Employment Status.

A. — B. (text unchanged)

C. Notification of Change in Employment or Certification Status.

(1) — (3) (Text unchanged)

(4) Criminal Charges.

- (a) An agency head shall notify the Commission when a mandated employee [is]:
 - (i) [Convicted] *Is convicted* of a felony;
 - (ii) [Convicted] *Is convicted* of a misdemeanor punishable by imprisonment for 1 year or more; [or]
 - (iii) *Serves a term of incarceration for a conviction of a misdemeanor offense;*
 - (iv) *Serves a term of incarceration as a condition of probation for a felony or misdemeanor criminal offense; or*
 - [(iii)] (v) [Separated] *Is separated* from employment with a correctional unit or from a mandated position while criminal charges filed against the employee were pending and any pending charge was a felony or misdemeanor punishable by imprisonment for 1 year or more.
- (b) — (c) (text unchanged)
- (5) (text unchanged)

.05 Background Investigation and Criminal History Record Checks.

- A. (text unchanged)
- B. Criminal History Record Checks and Fingerprints.
 - (1) — (3) (text unchanged)
 - (4) Record of Criminal Conviction.
 - (a) [If the] *The agency head shall include with the AFC* results of the National Crime Information Center check or the local, State, or national fingerprint check *that* reveal [that] an applicant has [been]:
 - (i) *Been* convicted or otherwise found guilty of a felony[, or a misdemeanor for which a sentence of imprisonment for 1 year or more may be imposed, the agency head shall include available information concerning the conviction with the AFC.];
 - (ii) *Been* convicted or otherwise found guilty of a misdemeanor for which a sentence of imprisonment of one year or more may be imposed;
 - (iii) *Served a term of incarceration for a conviction of a misdemeanor offense; or*
 - (iv) *Served a term of incarceration as a condition of probation for a felony or misdemeanor criminal offense.*
 - (b) — (c) (text unchanged)