

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Public Safety and Correctional Services
(DLS Control No. 15-008)**

Overview and Legal and Fiscal Impact

This regulation authorizes the Correctional Training Commission to audit records related to reporting requirements, selection standards, and training. The regulation also requires a correctional unit or academy to retain certain records for a certain time and requires an agency head to report to the commission a term of incarceration served by a mandated employee.

The regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Public Safety and Correctional Services:

Correctional Training Commission: General Regulations: COMAR 12.10.01.02

Legal Analysis

Summary of Regulation

The regulation states that the commission has the legal authority to audit records of reporting requirements, selection standards, and training. This same authority is now granted to the Police Training Commission, and the requirement for a correctional unit or academy to retain records of an individual's training for at least three years after the training is complete also tracks the Police Training Commission requirement.

The regulation also requires a correctional unit or academy to retain records of an individual's selection standards for a minimum of five years from the date an application for certification or recertification is submitted on behalf of the individual.

Finally, the regulation states that an agency head must notify the commission specifically about any term of incarceration served by a mandated employee and when the term of incarceration became known to the agency head. Under current regulations, an agency head must notify the commission of information concerning a conviction or allegations being reported about a mandated employee.

Legal Issue

The regulation presents no legal issue of concern.

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Statutory Authority and Legislative Intent

The Department of Public Safety and Correctional Services cites §§ 2-109 and 8-208 of the Correctional Services Article and § 3-207 of the Public Safety Article as authority for the regulation. Specifically, § 2-109 of the Correctional Services Article requires the Secretary of Public Safety and Correctional Services to adopt regulations, including ones to govern the policies and management of correctional facilities, and § 8-208 provides the Correctional Training Commission with the authority to certify and issue appropriate certificates to correctional officers and to adopt regulations. Section 3-207 of the Public Safety Article refers to authority of the Police Training Commission and is not relevant statutory authority. The cited authority is otherwise correct and complete. The regulation complies 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 regulation has 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 regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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