

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	02/11/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 3/20/2015**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

12 10 01 02

**3. Name of Promulgating Authority**

Department of Public Safety and Correctional Services

**4. Name of Regulations Coordinator Telephone Number**

Gerald Loiacono 410-339-5075

**Mailing Address**

300 East Joppa Road

**City State Zip Code**  
Towson MD 21286

**Email**

gloiacono@dpsc.state.md.us

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

Thomas C. Smith 410-875-3605

**Email Address**

tcsmith@dpsc.state.md.us

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
  - Date when existing text was downloaded from COMAR online: 10/27/14.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R  
 (vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

**8. Incorporation by Reference**

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**9. Public Body - Open Meeting**

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Stuart Nathan, Assistant Attorney General, (telephone #410-585-3070) on 1/7/15. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Stephen T. Moyer

**Title**

Secretary, Public Safety and Correctional Services

**Telephone No.**

410-339-5000

**Date**

2/5/15

**Title 12**  
**DEPARTMENT OF PUBLIC SAFETY AND**  
**CORRECTIONAL SERVICES**

**Subtitle 10 CORRECTIONAL TRAINING COMMISSION**

**12.10.01 General Regulations**

Authority: Correctional Services Article, §§2-109 AND 8-208; and Public Safety Article, §§3-207; 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 Regulation .02 under 12.10.01 – General Regulations.

This action was considered by the Correctional Training Commission at a public meeting on October 22, 2014.

**Statement of Purpose**

The purpose of this action is to clarify that the Correctional Training Commission has authority to audit records related to reporting requirements, selection standards, and training established by the Commission under COMAR 12.10.01. It provides the minimum time for records to be retained by a correctional unit or academy. It also provides the manner and time within which a correctional agency head is to report a term of incarceration served by a mandated employee.

**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 and Process Review, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3605, or email to [tesmith@dpscs.state.md.us](mailto:tesmith@dpscs.state.md.us), or fax to 410-875-3584. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

### **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:

The proposal clarifies the powers of the Correctional Training Commission to monitor and audit employee records. The Commission currently performs these activities under the current budget.

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 only.

G. Small Business Worksheet:

Attached Document:

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## **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) (text unchanged)

(b) An agency head shall include in the notification required under §C(4)(a) of this regulation information concerning the conviction, *term of incarceration*, or allegations being reported.

(c) An agency head shall submit the notification under §C(4)(a) of this regulation to the Commission in a format or on a form approved by the Commission within 10 days of the date:

(i) A conviction *or term of incarceration* under §C(4)(a)(i), [or] (ii), (iii) or (iv) of this regulation became known to the agency head;

(ii) The mandated employee is separated from employment with a correctional unit or a mandated position;

or

(iii) A mandated employee is placed on nonofficer status because the individual has been charged with a crime under §C(4)(a)(i) or (ii) of this regulation.

(5) (text unchanged)

(6) *Audit and Records.*

(a) *The Commission has the legal authority to audit records of reporting requirements, selection standards and training provided according to this chapter.*

(b) *A correctional unit or academy shall retain records of an individual's:*

(i) *Training for a minimum of three years from the date the individual completed the training; and*

(ii) *Selection standards for a minimum of five years from the date an application for certification or re-certification is submitted on behalf of the individual.*