

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Public Safety and Correctional Services
(DLS Control No. 15-016)**

Overview and Legal and Fiscal Impact

This regulation prohibits a denied petition for a waiver of a performance or training standard submitted on behalf of an individual to the Correctional Training Commission from being submitted again for at least one year.

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 12.10.01.19

Legal Analysis

Background

This proposal is similar to one recently submitted for the Police Training Commission (DLS Control No. 15-009), which prohibits a denied petition for a waiver from being submitted again to the Police Training Commission for at least two years.

Candidates for and individuals in a mandated position (correction officer, classification counselor, institutional support staff, monitor, parole and probation agent, and Department of Juvenile Services employee) are required to meet a variety of selection and in-service training standards for such matters as education, physical and mental health, firearms proficiency, and knowledge of correctional services procedures. If an individual fails to meet a standard, an agency head or training director may submit a petition for a waiver on behalf of the individual to the commission. Under current regulations, there is no limit as to the number of times that a petition may be submitted.

Summary of Regulation

To reduce the number of duplicative petitions that are submitted, the regulation prohibits a petition from being submitted a second time within one year after the date on which the commission denied the initial request.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Public Safety and Correctional Services cites §§ 2-109 and 8-208 of the Correctional Services Article as authority for the regulation. Specifically, § 2-109 requires the Secretary of the Department of Public Safety and Correctional Services to adopt regulations for the office of the Secretary, and § 8-208 states that the commission may adopt regulations necessary to carry out the Correctional Training Commission subtitle. This authority is 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

Legal Analysis: Andrew M. Lantner – (410) 946/(301) 970-5350

Fiscal Analysis: Guy G. Cherry – (410) 946/(301) 970-5510