

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Public Safety and Correctional Services
(DLS Control No. 15-417)**

Overview and Legal and Fiscal Impact

The regulation amends COMAR 12.02.24.05 to reflect current practice by the Division of Correction within the Department of Public Safety and Correctional Services for programming available to an inmate who is assigned to special confinement housing.

The regulation presents no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Public Safety and Correctional Services:

Division of Correction: Case Management: COMAR 12.02.24.05

Legal Analysis

Summary of Regulation

The regulation amends COMAR 12.02.24.05 to reflect current practice for programming available to an inmate who is assigned to special confinement housing, such as protective custody or administrative and disciplinary segregation. More specifically, the regulation updates language related to conditions under which inmate participation in programming may be restricted and provides that a case manager or other authorized staff member may limit participation in programming if participation would pose a threat to facility safety or the safety of the inmate, staff, or other inmates. Participation in programming may also be limited for inmates assigned to special confinement if it is not available at a facility or would not be beneficial to the inmate.

Legal Issues

The regulation presents no legal issues of concern.

Statutory Authority and Legislative Intent

The division cites §§ 2-109(c) and 3-602(d) of the Correctional Services Article as Authority for the regulation. More specifically, § 2-109(c) requires the Secretary to adopt regulations to govern the policies and management of correctional facilities in the department in

accordance with Title 10, Subtitle 1 of the State Government Article. Section 3-602(d) requires the Commissioner of the Division of Corrections to adopt regulations governing the disclosure of an inmate's case record.

While not cited by the division, § 2-109(b) of the Correctional Services Article requires the Secretary to review regulations proposed by a unit in the department and authorizes the Secretary to approve, disapprove, or revise proposed regulations.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

The Department of Legislative Services contacted the division regarding a typographical error in the proposed regulation and omitted contact information in the Opportunity for Public Comment paragraph. The division indicates that those errors will be corrected prior to publication.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulation clarifies existing practice; therefore, there is 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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