
By: Delegates Hubbard, Bissett, Harkins, Hutchins, Preis, Weir, Owings, Conroy, Pitkin, Arnick, Crumlin, D. Davis, Fulton, Valderrama, and Stull

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House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

1 AN ACT concerning

2 **Police Training Commission and Correctional Training Commission - Prior Use of**
3 ~~Controlled Dangerous Substances~~ **Substance Abuse by Applicants**

4 FOR the purpose of ~~requiring the Police Training Commission and Correctional Training~~
5 ~~Commission to adopt regulations establishing and enforcing certain standards for~~
6 ~~prior use of controlled dangerous substances by certain persons applying for~~
7 ~~certification as police officers and correctional officers; requiring the Police~~
8 ~~Training Commission and the Correctional Training Commission to establish~~
9 ~~certain minimum standards based on certain criteria; requiring the submission of a~~
10 ~~notarized affidavit under certain circumstances; requiring the Police Training~~
11 ~~Commission and the Correctional Training Commission to adopt certain regulations~~
12 ~~by a certain date; defining certain terms~~ providing for the Police Training
13 Commission and Correctional Training Commission to adopt regulations to
14 establish and enforce standards for prior substance abuse by certain persons
15 applying for certain certifications; providing for the effective date of this Act; and
16 generally relating to the Police Training Commission and the Correctional Training
17 Commission.

18 BY repealing and reenacting, with amendments,
19 Article 41 - Governor - Executive and Administrative Departments
20 Section ~~4-201 and 4-301~~ 4-201(d) and 4-301(e)
21 Annotated Code of Maryland
22 (1993 Replacement Volume and 1996 Supplement)

23 ~~BY adding to~~
24 ~~Article 41 - Governor - Executive and Administrative Departments~~
25 ~~Section 4-203 and 4-303~~

2

1 Annotated Code of Maryland
2 (1993 Replacement Volume and 1996 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 41 - Governor - Executive and Administrative Departments**

6 4-201.

7 (a) ~~[As used in this section:] IN THIS SUBTITLE THE FOLLOWING WORDS~~
8 ~~HAVE THE MEANINGS INDICATED.~~

9 ~~{(1)} (B) "Approved police training school" means a school approved and~~
10 ~~authorized by the Police Training Commission to offer police training programs as~~
11 ~~prescribed in this section.~~

12 ~~{(2)} (C) "Commission" means the Police Training Commission or officers~~
13 ~~or employees thereof acting on its behalf.~~

14 ~~{(D)} (1) "CONTROLLED DANGEROUS SUBSTANCE" MEANS ANY DRUG,~~
15 ~~SUBSTANCE, OR IMMEDIATE PRECURSOR IN SCHEDULES I THROUGH V OF ARTICLE~~
16 ~~27, § 279 OF THE CODE.~~

17 ~~{(2)} "CONTROLLED DANGEROUS SUBSTANCE" DOES NOT INCLUDE~~
18 ~~DISTILLED SPIRITS, WINE, MALT BEVERAGES, OR TOBACCO AS THOSE TERMS ARE~~
19 ~~DEFINED IN ARTICLE 2B OF THE CODE.~~

20 ~~{(3)} (E) "County" means any county which within its jurisdiction has or will~~
21 ~~have a law enforcement unit as defined in this section.~~

22 ~~{(4)} (F) {(i)} (1) "Law enforcement unit" means any governmental police~~
23 ~~force, sheriff's department, security force or law enforcement organization of the State,~~
24 ~~county, or municipality which has by statute, ordinance, or common law, the authority for~~
25 ~~enforcing the general criminal laws of this State.~~

26 ~~{(ii)} (2) Law enforcement unit does not mean those members of the~~
27 ~~Maryland National Guard who are under the control and jurisdiction of the Military~~
28 ~~Department, and who are charged with exercising police powers in and for the military~~
29 ~~property, designated as the Glenn L. Martin State Airport, to which they are assigned.~~

30 ~~{(5)} (G) "Municipality" means any incorporated city of any class which,~~
31 ~~within its jurisdiction has or will have a law enforcement unit as defined in this section.~~

32 ~~{(6)} (H) "Permanent appointment" means the appointment of a person~~
33 ~~who has satisfactorily met the minimum standards of the Commission and is certified as a~~
34 ~~police officer.~~

35 ~~{(7)} (I) "Police official" means a full-time police officer employed by a~~
36 ~~governmental agency having administrative responsibility.~~

37 ~~{(8)} (J) {(i)} (1) "Police officer" means a person who has the authority to~~
38 ~~enforce the general criminal laws of this State and is a member of any of the following law~~
39 ~~enforcement units:~~

3

- 1 ~~[1.] (I) Department of State Police;~~
- 2 ~~[2.] (II) Baltimore City Police Department;~~
- 3 ~~[3.] (III) Police department, bureau, or force of a county;~~
- 4 ~~[4.] (IV) Police department, bureau, or force of an incorporated~~
5 ~~city or town;~~
- 6 ~~[5.] (V) Mass Transit Administration Police Force, the~~
7 ~~Maryland Port Administration Police Force of the Department of Transportation, or the~~
8 ~~Maryland Transportation Authority Police Force;~~
- 9 ~~[6.] (VI) Police Force of the University of Maryland or Morgan~~
10 ~~State University;~~
- 11 ~~[7.] (VII) Sheriff's department of any county or Baltimore City;~~
- 12 ~~[8.] (VIII) Natural Resources Police Force or the Forest and Park~~
13 ~~Service Police Force of the Department of Natural Resources;~~
- 14 ~~[9.] (IX) Security Force of the Department of General Services;~~
15 ~~or State, county or municipality security force if the special police officers are appointed~~
16 ~~under the provisions of § 4-901 of this article;~~
- 17 ~~[10.] (X) Housing Authority of Baltimore City Police Force;~~
- 18 ~~[11.] (XI) Baltimore City School Police Force; or~~
- 19 ~~[12.] (XII) Crofton Police Department.~~

20 ~~[(ii)] (2) Police officer does not mean a person serving as such solely~~
21 ~~by virtue of his occupying any other office or position, nor does the term include a sheriff,~~
22 ~~Secretary of the State Police, commissioner of police, deputy or assistant commissioner of~~
23 ~~police, chief of police, deputy or assistant chief of police, or any person having an~~
24 ~~equivalent title who is appointed or employed by a government to exercise equivalent~~
25 ~~supervisory authority. The term also does not mean any member of the Maryland~~
26 ~~National Guard who is under the control and jurisdiction of the Military Department, and~~
27 ~~who is charged with exercising police powers in and for the military property, designated~~
28 ~~as the Glenn L. Martin State Airport, to which the individual is assigned. However, any~~
29 ~~person who is exempt under this provision may be certified as a police officer if that~~
30 ~~person meets the selection and training standards of the Commission.~~

31 ~~[(iii)] (3) "Police officer" includes a member of the Investigative~~
32 ~~Services Unit of the Comptroller's Office.~~

33 ~~[(9)] (K) "Police supervisors" means those police or law enforcement~~
34 ~~officers who have been promoted from the patrolman rank to first line supervisory duties.~~

35 ~~[(10)] (L) "Police administrator" means those police or law enforcement~~
36 ~~officers who have been promoted from the noncommissioned rank to first line~~
37 ~~administrative duties up to but not exceeding the rank of captain.~~

4

1 ~~4-202.~~

2 ~~{(b)}~~ (A) There is hereby established in the Department of Public Safety and
 3 Correctional Services, a Police Training Commission whose membership shall consist of
 4 the following persons:

5 (1) The President of the Maryland Chiefs of Police Association; the
 6 President of the Maryland Sheriffs Association; the President of the Maryland Law
 7 Enforcement Officers, Inc.; the Attorney General of the State of Maryland; the Secretary
 8 of the State Police; the Commissioner, Baltimore City Police Department; the Chancellor
 9 of the University of Maryland System; the agent in charge of the Baltimore office of the
 10 F.B.I.; the President of the Eastern Shore Police Association; a representative of the
 11 Maryland State Lodge of Fraternal Order of Police; the Deputy Secretary of Public Safety
 12 and Correctional Services; and three police officials of the State to be appointed by the
 13 Secretary of Public Safety and Correctional Services, with the approval of the Governor,
 14 and with the advice and consent of the Senate, to represent the State geographically, the
 15 appointments to be made for a three-year term provided that, for the first term, one
 16 official shall be appointed for a term of one year, one for a term of two years, and one for
 17 a term of three years.

18 (2) The nonappointive officeholders may elect to serve personally at any or
 19 all meetings of the Commission or may designate a member of their respective
 20 association, office, department, university or agency to represent them and to act for
 21 them at the said meetings to the same effect as if they were personally present.

22 ~~{(c)}~~ (B) (1) The Deputy Secretary of Public Safety and Correctional Services
 23 or the Deputy Secretary's representative, shall be chairman of the Commission. The
 24 Commission, at its initial organization meeting to be held promptly after the appointment
 25 and qualifications of its members, and thereafter annually shall elect a vice chairman
 26 from among its members, and shall meet at such other times within the State of Maryland
 27 as it or its chairman may determine. A majority of the Commission shall constitute a
 28 quorum for the transaction of any business, the performance of any duty, or for the
 29 exercise of any of its authority.

30 (2) The Commission shall:

31 (i) Maintain minutes of its meetings and such other records as it
 32 deems necessary; and

33 (ii) Upon request, provide information regarding the budget, activities,
 34 and programs of the Commission.

35 (3) The members of the Commission shall receive no salary but all members
 36 shall be reimbursed in accordance with the Standard State Travel Regulations for their
 37 expenses lawfully incurred in the performance of their official functions.

38 ~~{(d)}~~ (C) Subject to the authority of the Secretary of Public Safety and
 39 Correctional Services, the Commission is vested with the following authority,
 40 responsibility and duty:

41 (1) To prescribe standards for the approval and continuation of approval of
 42 entrance-level and in-service schools at which police training courses required by this

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1 section shall be conducted, including but not limited to present existing State, regional,
2 county, and municipal police training schools;

3 (2) To approve and issue certificates of approval to such training schools, to
4 inspect such schools from time to time, and to revoke for cause any approval or certificate
5 issued to such school;

6 (3) To prescribe the curriculum, the minimum courses of study, attendance
7 requirements, eligibility to attend, equipment and facilities, and standards of operation
8 for such training schools, and to require that the curriculum and minimum courses of
9 study for entry police training and, at least every 3 years, for in-service level police
10 training conducted by the State and all county and municipal police training schools
11 include special training, attention to, and study of the application and the enforcement of
12 the criminal laws concerning rape and sexual offenses, including the sexual abuse of
13 children, related evidentiary procedures, and also the contact with and treatment of
14 victims of these crimes;

15 (4) To prescribe minimum qualifications for instructors at such schools and
16 to certify, as qualified, instructors for approved training schools and to issue appropriate
17 certificates to such instructors;

18 (5) To verify that officers have satisfactorily completed training programs
19 and to issue diplomas to those officers;

20 (6) To certify persons as police officers who have:

21 (i) Satisfactorily met the Commission's standards; or

22 (ii) Provided the Commission with sufficient evidence that he or she
23 has satisfactorily completed a training program in another state of equal quality and
24 content as required by the Commission;

25 (7) To suspend or revoke the certification, provided for in paragraph (6) of
26 this subsection, if the police officer has violated or has failed to meet the Commission's
27 standards, including having knowingly failed to report suspected child abuse in violation
28 of § 5-704 of the Family Law Article;

29 (8) To conduct and operate approved police training schools as defined in
30 this subtitle;

31 (9) To appoint, with the approval of the Secretary of Public Safety and
32 Correctional Services, an executive director, a deputy director, and such other employees
33 as it shall deem necessary, to serve at its pleasure, who shall perform general
34 administrative and training management functions, and to fix their compensation;

35 (10) To employ such other persons as may be necessary to carry out the
36 provisions of this section, upon approval of the Secretary of Public Safety and
37 Correctional Services and the legislature;

38 (11) To make such rules and regulations as may be reasonably necessary or
39 appropriate to accomplish the purposes and objectives of this section;

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1 (12) To make a continuous study of entrance-level and in-service training
 2 methods and procedures and to consult with and accept the cooperation of any
 3 recognized federal, State, or municipal law enforcement agency or educational
 4 institution;

5 (13) To consult and cooperate with universities, colleges and institutions in
 6 the State for the development of specialized courses of study for police officers in police
 7 science and police administration;

8 (14) To consult and cooperate with other departments and agencies of the
 9 State concerned with police training; and

10 (15) TO ADOPT REGULATIONS TO ESTABLISH AND ENFORCE STANDARDS
 11 FOR PRIOR SUBSTANCE ABUSE BY PERSONS APPLYING FOR CERTIFICATION AS A
 12 POLICE OFFICER; AND

13 ~~(15)~~ (16) To perform such other acts as may be necessary or appropriate to
 14 carry out its functions and duties as set forth in this section.

15 ~~[(e)] (D) A probationary appointment as a police officer, police supervisor or~~
 16 ~~police administrator may be made for a total period not exceeding one (1) year for the~~
 17 ~~purpose of enabling such a person seeking permanent appointment to take a training~~
 18 ~~course as prescribed in this section. Such appointee shall be entitled to leave of absence~~
 19 ~~with pay during the period of the training program.~~

20 ~~[(f)] (E) No person shall be given or accept a probationary or permanent~~
 21 ~~appointment as a police officer, police supervisor or police administrator, unless such~~
 22 ~~person satisfactorily meets such qualifications as may be determined by the Commission.~~

23 ~~[(g)] (F) (1) If the Commission believes that grounds for revocation or~~
 24 ~~suspension of an officer's certificate, provided for in subsection [(d)(6)] (C)(6) of this~~
 25 ~~section, may exist, the Commission may initiate an action against the officer.~~

26 ~~(2) The Commission shall hold a hearing, in compliance with the~~
 27 ~~Administrative Procedure Act, prior to the suspension or revocation of the officer's~~
 28 ~~certificate.~~

29 ~~(3) Notice to the officer shall be in accordance with the Administrative~~
 30 ~~Procedure Act and shall include:~~

31 (i) The time and place of the hearing; and

32 (ii) The grounds for revocation or suspension of the certificate.

33 ~~(4) Any police officer aggrieved by the findings and order of the~~
 34 ~~Commission may appeal the decision in accordance with the Administrative Procedure~~
 35 ~~Act.~~

36 ~~[(h)] (G) (1) A police officer's certificate, provided for in subsection [(d)(6)]~~
 37 ~~(C)(6) of this section, shall automatically lapse 3 years from the date of the previous~~
 38 ~~certification.~~

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1 ~~(2) The Commission may recertify a police officer, provided for in~~
2 ~~subsection [(d)(6)] (C)(6) of this section, upon:~~

3 ~~(i) An automatic lapse of the certificate; or~~

4 ~~(ii) A revocation of a certification.~~

5 ~~(3) If the certificate has lapsed, the police officer may apply for~~
6 ~~recertification immediately.~~

7 ~~(4) If the certification has been revoked, the police officer may apply for~~
8 ~~recertification upon waiting 2 years from the date the revocation order became effective.~~

9 ~~[(i)] (H) (1) If the certificate is in danger of lapsing or has lapsed because of~~
10 ~~the police officer's failure to meet the Commission's standards, the police officer may~~
11 ~~request a hearing before the Commission to present evidence:~~

12 ~~(i) That the Department unreasonably failed to provide the officer~~
13 ~~with the required training or assigned the officer to special duty which prevented the~~
14 ~~officer from completing the required training to achieve this certification; and~~

15 ~~(ii) That this failure is through no fault of the police officer.~~

16 ~~(2) The Commission shall hold a hearing. For purposes of this subsection,~~
17 ~~the Commission shall follow the procedures prescribed for a hearing board under the Law~~
18 ~~Enforcement Officers' Bill of Rights, and the officer shall be entitled to all of the rights~~
19 ~~provided under that act.~~

20 ~~(3) If the Commission concludes that the Department unreasonably failed~~
21 ~~to provide the police officer with the training necessary or assigned the officer to special~~
22 ~~duty which prevented the officer from completing the training necessary to achieve this~~
23 ~~certification:~~

24 ~~(i) The Commission shall stay the lapse of this certificate until the~~
25 ~~officer and the Department meet the Commission's training requirements;~~

26 ~~(ii) The officer shall be retained in the Department at full pay pending~~
27 ~~the completion of the training; and~~

28 ~~(iii) The Commission shall order the Department to pay all reasonable~~
29 ~~hearing costs and attorney's fees incurred as a result of the action.~~

30 ~~[(j)] (I) (1) A person may not be employed as a police officer by any law~~
31 ~~enforcement unit for a period to exceed 12 months unless that person is certified by the~~
32 ~~Commission, as provided for in subsection [(d)(6)] (C)(6) of this section.~~

33 ~~(2) (i) In this paragraph, "nonfull-time police officer" means any person~~
34 ~~who does not work in the law enforcement field at least 7 months during the calendar~~
35 ~~year.~~

36 ~~(ii) The certification requirements of paragraph (1) of this subsection~~
37 ~~do not apply to the nonfull-time police officers of any law enforcement unit that employs,~~
38 ~~during a calendar year, at least 70 full-time sworn police officers and employs at least 100~~
39 ~~nonfull-time police officers.~~

1 ~~(3) A person may not serve as a police officer during the period when this~~
 2 ~~certification has been revoked or suspended by the Commission or it has lapsed.~~

3 ~~[(k)] (J) A certificate, provided for in subsection [(d)(6)] (C)(6) of this section,~~
 4 ~~shall remain the property of the Police Training Commission.~~

5 ~~[(l)] (K) The Commission may recall the certificate, provided for in subsection~~
 6 ~~[(d)(6)] (C)(6) of this section, if it is suspended or revoked for any of the following~~
 7 ~~reasons:~~

8 ~~(1) The certificate was issued by administrative error;~~

9 ~~(2) The certificate was obtained through misrepresentation or fraud;~~

10 ~~(3) The holder has been convicted of a felony; or~~

11 ~~(4) The holder has been convicted of a misdemeanor for which a sentence of~~
 12 ~~imprisonment for more than 1 year may be imposed.~~

13 ~~[(m)] (L) Except as expressly provided in this section, nothing herein contained~~
 14 ~~shall be deemed to limit the powers, rights, duties or responsibilities of municipal or~~
 15 ~~county governments.~~

16 ~~[(n)] (M) The provisions of this section shall supersede any State, county, or~~
 17 ~~municipal law, ordinance, or regulation that conflicts with the provisions of this section.~~

18 ~~4-203.~~

19 ~~(A) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH AND~~
 20 ~~ENFORCE STANDARDS FOR PRIOR USE OF CONTROLLED DANGEROUS SUBSTANCES~~
 21 ~~BY PERSONS APPLYING FOR CERTIFICATION AS POLICE OFFICERS.~~

22 ~~(B) (1) THE COMMISSION SHALL ESTABLISH MINIMUM STANDARDS FOR~~
 23 ~~ACCEPTABLE AND UNACCEPTABLE OCCURRENCES OF PRIOR USE OF CONTROLLED~~
 24 ~~DANGEROUS SUBSTANCES BY PERSONS APPLYING FOR CERTIFICATION AS POLICE~~
 25 ~~OFFICERS.~~

26 ~~(2) THE COMMISSION MAY DETERMINE THAT ANY PRIOR USE OF AN~~
 27 ~~INDIVIDUAL CONTROLLED DANGEROUS SUBSTANCE IS NOT ACCEPTABLE AND MAY~~
 28 ~~BE SUFFICIENT CAUSE FOR DENIAL OR REJECTION OF A PERSON APPLYING FOR~~
 29 ~~CERTIFICATION AS A POLICE OFFICER.~~

30 ~~(C) THE COMMISSION SHALL ESTABLISH MINIMUM STANDARDS UNDER THIS~~
 31 ~~SECTION BASED ON THE FOLLOWING CRITERIA:~~

32 ~~(1) THE FREQUENCY OF PRIOR USE OF A CONTROLLED DANGEROUS~~
 33 ~~SUBSTANCE BY A PERSON APPLYING FOR CERTIFICATION AS A POLICE OFFICER;~~

34 ~~(2) THE VARIETY OF DIFFERENT CONTROLLED DANGEROUS~~
 35 ~~SUBSTANCES USED BY A PERSON APPLYING FOR CERTIFICATION AS A POLICE~~
 36 ~~OFFICER;~~

1 ~~(3) THE LENGTH OF TIME THAT HAS PASSED SINCE THE USE OF A~~
2 ~~CONTROLLED DANGEROUS SUBSTANCE BY A PERSON APPLYING FOR~~
3 ~~CERTIFICATION AS A POLICE OFFICER;~~

4 ~~(4) SCIENTIFIC EVIDENCE REGARDING THE ADDICTIVE NATURE OR~~
5 ~~LONG TERM HEALTH EFFECTS OF A CONTROLLED DANGEROUS SUBSTANCE; AND~~

6 ~~(5) ANY OTHER INFORMATION OR CRITERIA THAT THE COMMISSION~~
7 ~~DETERMINES TO BE NECESSARY TO ENSURE THE FITNESS OF PERSONS APPLYING~~
8 ~~FOR CERTIFICATION AS POLICE OFFICERS WITH REGARD TO PRIOR USE OF~~
9 ~~CONTROLLED DANGEROUS SUBSTANCES.~~

10 ~~(D) THE COMMISSION SHALL REQUIRE EVERY PERSON APPLYING FOR~~
11 ~~CERTIFICATION AS A POLICE OFFICER TO SUBMIT TO THE COMMISSION A~~
12 ~~NOTARIZED AFFIDAVIT ATTESTING TO:~~

13 ~~(1) ANY PRIOR USE OF A CONTROLLED DANGEROUS SUBSTANCE BY~~
14 ~~THE PERSON; OR~~

15 ~~(2) LACK OF ANY PRIOR USE OF A CONTROLLED DANGEROUS~~
16 ~~SUBSTANCE BY THE PERSON.~~

17 4-301.

18 (a) ~~[The General Assembly hereby finds and declares that a need for~~
19 ~~improvement in the administration of the correctional system exists in order to better~~
20 ~~protect the health, safety and welfare of Maryland citizens; that the ultimate goal of the~~
21 ~~correctional system is to make the community safer by reducing the incidence of crime;~~
22 ~~that establishing a system with significantly increased power to reduce recidivism and~~
23 ~~prevent recruitment into criminal careers will require a sufficient number of qualified~~
24 ~~staff to perform the many tasks to be done; that recent studies have revealed that greater~~
25 ~~training preparation for correctional work would be highly desirable; that this need can~~
26 ~~be substantially met by the creation of educational and training programs for persons who~~
27 ~~seek careers as correctional, probation and parole officers; that such persons should be~~
28 ~~required, while serving in a probationary capacity prior to permanent appointment, to~~
29 ~~receive efficient training provided at facilities approved by a commission created for such~~
30 ~~purpose; that by qualifying and becoming proficient in the field of corrections, such~~
31 ~~persons shall individually and collectively better insure the health, safety, and welfare of~~
32 ~~the citizens of this State.~~

33 (b) ~~As used in this section:] IN THIS SUBTITLE THE FOLLOWING WORDS HAVE~~
34 ~~THE MEANINGS INDICATED.~~

35 ~~{(1)} (B) "Approved correctional training school" means a school approved~~
36 ~~and authorized by the Correctional Training Commission to offer training programs as~~
37 ~~prescribed in this section.~~

38 ~~{(2)} (C) "Commission" means the Correctional Training Commission or~~
39 ~~officers or employees thereof acting on its behalf.~~

10

1 ~~(D) (1) "CONTROLLED DANGEROUS SUBSTANCE" MEANS ANY DRUG,~~
 2 ~~SUBSTANCE, OR IMMEDIATE PRECURSOR IN SCHEDULES I THROUGH V OF ARTICLE~~
 3 ~~27, § 279 OF THE CODE.~~

4 ~~(2) "CONTROLLED DANGEROUS SUBSTANCE" DOES NOT INCLUDE~~
 5 ~~DISTILLED SPIRITS, WINE, MALT BEVERAGES, OR TOBACCO AS THOSE TERMS ARE~~
 6 ~~DEFINED IN ARTICLE 2B OF THE CODE.~~

7 ~~[(3)] (E) A "county" means any county which within its jurisdiction has or~~
 8 ~~will have a correctional unit as defined in this section.~~

9 ~~[(4)] (F) A "correctional unit" means any governmental organization or~~
 10 ~~activity of the State, any county, or any municipality which has by statute, ordinance, or~~
 11 ~~court order the responsibility for the care, control and supervision of inmates in~~
 12 ~~correctional institutions, for persons declared to be parolees or for persons placed on~~
 13 ~~probation or suspension of sentence. However, the term "correctional unit" does not~~
 14 ~~include the Department of Juvenile Justice.~~

15 ~~[(5)] (G) A "municipality" means any incorporated city of any class which,~~
 16 ~~within its jurisdiction, has or will have a correctional unit as defined in this section.~~

17 ~~[(6)] (H) A "permanent appointment" means an appointment having~~
 18 ~~permanent status as a correctional, parole, or probation officer in a correctional unit as~~
 19 ~~defined in this section.~~

20 ~~[(7)] (I) (1) A "correctional officer" means a member of a correctional~~
 21 ~~unit, as defined in this section, who is charged with and actually performs those duties~~
 22 ~~that relate to the investigation, care, custody, control or supervision of persons confined~~
 23 ~~to places of incarceration.~~

24 ~~(2) The term "correctional officer" does not include any person~~
 25 ~~-serving as such solely by virtue of his occupying any other office or position, nor does the~~
 26 ~~term include the head or deputy head of any correctional unit, any sheriff, warden,~~
 27 ~~superintendent or any person having any equivalent title who is appointed or employed by~~
 28 ~~a government to exercise equivalent supervisory authority.~~

29 ~~[(8)] (J) A "correctional supervisor" means a correctional officer who has~~
 30 ~~been promoted to first line supervisory duties.~~

31 ~~[(9)] (K) A "correctional administrator" means a correctional officer who~~
 32 ~~has been promoted from a supervisory rank to first line administrative duties.~~

33 4-302.

34 ~~(A) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT A NEED~~
 35 ~~FOR IMPROVEMENT IN THE ADMINISTRATION OF THE CORRECTIONAL SYSTEM~~
 36 ~~EXISTS IN ORDER TO BETTER PROTECT THE HEALTH, SAFETY, AND WELFARE OF~~
 37 ~~MARYLAND CITIZENS; THAT THE ULTIMATE GOAL OF THE CORRECTIONAL SYSTEM~~
 38 ~~IS TO MAKE THE COMMUNITY SAFER BY REDUCING THE INCIDENCE OF CRIME;~~
 39 ~~THAT ESTABLISHING A SYSTEM WITH SIGNIFICANTLY INCREASED POWER TO~~
 40 ~~REDUCE RECIDIVISM AND PREVENT RECRUITMENT INTO CRIMINAL CAREERS WILL~~
 41 ~~REQUIRE A SUFFICIENT NUMBER OF QUALIFIED STAFF TO PERFORM THE MANY~~

11

1 ~~TASKS TO BE DONE; THAT RECENT STUDIES HAVE REVEALED THAT GREATER~~
 2 ~~TRAINING PREPARATION FOR CORRECTIONAL WORK WOULD BE HIGHLY~~
 3 ~~DESIRABLE; THAT THIS NEED CAN BE SUBSTANTIALLY MET BY THE CREATION OF~~
 4 ~~EDUCATIONAL AND TRAINING PROGRAMS FOR PERSONS WHO SEEK CAREERS AS~~
 5 ~~CORRECTIONAL, PROBATION, AND PAROLE OFFICERS; THAT SUCH PERSONS~~
 6 ~~SHOULD BE REQUIRED, WHILE SERVING IN A PROBATIONARY CAPACITY PRIOR TO~~
 7 ~~PERMANENT APPOINTMENT, TO RECEIVE EFFICIENT TRAINING PROVIDED AT~~
 8 ~~FACILITIES APPROVED BY A COMMISSION CREATED FOR SUCH PURPOSE; THAT BY~~
 9 ~~QUALIFYING AND BECOMING PROFICIENT IN THE FIELD OF CORRECTIONS, SUCH~~
 10 ~~PERSONS SHALL INDIVIDUALLY AND COLLECTIVELY BETTER ENSURE THE HEALTH,~~
 11 ~~SAFETY, AND WELFARE OF THE CITIZENS OF THIS STATE.~~

12 ~~[(e)] (B) There is hereby established in the Department of Public Safety and~~
 13 ~~Correctional Services of the State of Maryland, a Correctional Training Commission~~
 14 ~~whose membership shall consist of the following 12 persons:~~

15 ~~(1) The Deputy Secretary of Public Safety and Correctional Services; the~~
 16 ~~Director of the Division of Parole and Probation; the Commissioner of Correction; the~~
 17 ~~president of the Maryland Correctional Administrators Association; the president of the~~
 18 ~~Maryland Sheriffs Association; the president of the Maryland Criminal Justice~~
 19 ~~Association; a representative of the Federal Bureau of Prisons to be designated by its~~
 20 ~~Director; the Attorney General of the State; the president of one university or college~~
 21 ~~within the State which has a correctional education curriculum, to be appointed by the~~
 22 ~~Maryland Higher Education Commission, and three correctional, parole or probation~~
 23 ~~officers or officials of the State to be appointed by the Secretary of Public Safety and~~
 24 ~~Correctional Services, with the approval of the Governor, to represent different~~
 25 ~~geographic areas of the State, the appointments to be made to three year terms provided~~
 26 ~~that, for the initial term, one official shall be appointed for a term of one year, one for a~~
 27 ~~term of two years, and one for a term of three years.~~

28 ~~(2) The Deputy Secretary of Public Safety and Correctional Services or the~~
 29 ~~Deputy Secretary's representative shall be the chairman of the Commission.~~

30 ~~(3) Each Commission member, except the three persons appointed by the~~
 31 ~~Secretary of Public Safety and Correctional Services may serve personally at any or all~~
 32 ~~Commission meetings or may designate a member of his respective association, office,~~
 33 ~~department, university or college, bureau or agency to represent and act for him at the~~
 34 ~~meetings as if he were personally present.~~

35 ~~[(d)] (C) (1) The Commission, at its initial organization meeting to be held~~
 36 ~~promptly after the appointment and qualifications of its members, and thereafter~~
 37 ~~annually, shall elect a vice chairman from among its members. The Commission shall~~
 38 ~~meet at such times within the State of Maryland as a majority of its members or its~~
 39 ~~chairman or the Secretary of Public Safety and Correctional Services may determine. A~~
 40 ~~majority of the Commission shall constitute a quorum for the transaction of any business,~~
 41 ~~the performance of any duty, or for the exercise of any of its authority.~~

42 ~~(2) The Commission shall:~~

43 ~~(i) Maintain minutes of its meetings and such other records as it~~
 44 ~~deems necessary; and~~

12

1 (ii) ~~Upon request, provide information regarding the budget, activities,~~
2 ~~and programs of the Commission.~~

3 ~~(3) The members of the Commission shall receive no salary for service on~~
4 ~~the Commission, but all members shall be reimbursed in accordance with the Standard~~
5 ~~State Travel Regulations for their reasonable expenses lawfully incurred in the~~
6 ~~performance of their official functions.~~

7 4-301.

8 {(e)} ~~(D)~~ Subject to the authority of the Secretary of Public Safety and
9 Correctional Services, the Commission is vested with the following powers, authority,
10 responsibilities, and duties:

11 (1) To prescribe standards for the approval and the continuation of
12 approval of all schools at which correctional, parole or probation entrance level and
13 in-service training courses required by the Commission shall be conducted including but
14 not limited to present existing State, regional, county and municipal training schools;

15 (2) To approve and issue certificates of approval to such correctional
16 training schools, to inspect such schools from time to time, and to revoke for cause any
17 approval or certificate issued to such school;

18 (3) To prescribe the curriculum, the courses of study, attendance
19 requirements, eligibility to attend, equipment and facilities, and standards of operation
20 for such training schools;

21 (4) To prescribe minimum qualifications for instructors at such schools and
22 to certify, as qualified, instructors for approved training schools and to issue appropriate
23 certificates to such instructors;

24 (5) To certify correctional officers who have satisfactorily completed
25 training programs and to issue appropriate certificates to such correctional officers;

26 (6) To conduct and operate approved correctional training schools as
27 defined in this subtitle;

28 (7) To appoint, with the approval of the Secretary of Public Safety and
29 Correctional Services:

30 (i) An Executive Director who shall be in the unclassified service of
31 the State Personnel Management System and shall serve at the pleasure of the
32 Commission, perform general administrative functions, and receive the compensation set
33 by the Commission; and

34 (ii) A Deputy Director, and such other employees as it shall deem
35 necessary, to serve at its pleasure, who shall perform general administrative and training
36 management functions, and to fix their compensation;

37 (8) To employ such other persons as may be necessary to carry out the
38 provisions of this section, upon approval of the Secretary of Public Safety and
39 Correctional Services, and as provided for in the State budget;

13

1 (9) To promulgate with the approval of the Secretary of Public Safety and
 2 Correctional Services, such rules and regulations as may be reasonably necessary or
 3 appropriate to accomplish the purposes and objectives of this section;

4 (10) To make a continuous study of correctional training methods and
 5 procedures for all correctional schools and to consult with and accept the cooperation of
 6 any recognized federal, State, or municipal correctional agency or educational institution;

7 (11) To consult and cooperate with universities, colleges and institutions for
 8 the development of all general and specialized courses of study for correctional officers as
 9 defined in this section;

10 (12) To consult and cooperate with other departments and agencies of the
 11 State concerned with correctional training;

12 (13) TO ADOPT REGULATIONS TO ESTABLISH AND ENFORCE STANDARDS
 13 FOR PRIOR SUBSTANCE ABUSE BY PERSONS APPLYING FOR CERTIFICATION AS A
 14 CORRECTIONAL OFFICER; AND

15 ~~(13)~~ (14) To perform such other acts as may be necessary or appropriate to
 16 carry out its functions and duties as set forth in this section.

17 ~~[(f)] (E) A probationary appointment as a correctional officer, a correctional~~
 18 ~~supervisor, or a correctional administrator as defined in this section may be made for a~~
 19 ~~total period not exceeding one (1) year for the purpose of enabling such a person seeking~~
 20 ~~permanent appointment to take a training course as prescribed by the Commission. Such~~
 21 ~~an appointee shall be entitled to leave of absence with pay during the period of the~~
 22 ~~training program.~~

23 ~~[(g)] (F) On or after July 1, 1976, no person shall hereafter be given or accept a~~
 24 ~~probationary or permanent appointment as a correctional officer, a correctional~~
 25 ~~supervisor, or a correctional administrator, as defined in this section, unless such person~~
 26 ~~satisfactorily meets minimum qualifications as may be determined by the Commission.~~

27 ~~[(h)] (G) Except as expressly provided in this section, nothing herein contained~~
 28 ~~shall be deemed to limit the powers, rights, duties or responsibilities of municipal or~~
 29 ~~county governments.~~

30 4-303.

31 ~~(A) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH AND~~
 32 ~~ENFORCE STANDARDS FOR PRIOR USE OF CONTROLLED DANGEROUS SUBSTANCES~~
 33 ~~BY PERSONS APPLYING FOR CERTIFICATION AS CORRECTIONAL OFFICERS.~~

34 ~~(B) (1) THE COMMISSION SHALL ESTABLISH MINIMUM STANDARDS FOR~~
 35 ~~ACCEPTABLE AND UNACCEPTABLE OCCURRENCES OF PRIOR USE OF CONTROLLED~~
 36 ~~DANGEROUS SUBSTANCES BY PERSONS APPLYING FOR CERTIFICATION AS~~
 37 ~~CORRECTIONAL OFFICERS.~~

38 ~~(2) THE COMMISSION MAY DETERMINE THAT ANY PRIOR USE OF AN~~
 39 ~~INDIVIDUAL CONTROLLED DANGEROUS SUBSTANCE IS NOT ACCEPTABLE AND MAY~~
 40 ~~BE SUFFICIENT CAUSE FOR DENIAL OR REJECTION OF A PERSON APPLYING FOR~~
 41 ~~CERTIFICATION AS A CORRECTIONAL OFFICER.~~

14

1 ~~(C) THE COMMISSION SHALL ESTABLISH MINIMUM STANDARDS UNDER THIS~~
2 ~~SECTION BASED ON THE FOLLOWING CRITERIA:~~

3 ~~(1) THE FREQUENCY OF PRIOR USE OF A CONTROLLED DANGEROUS~~
4 ~~SUBSTANCE BY A PERSON APPLYING FOR CERTIFICATION AS A CORRECTIONAL~~
5 ~~OFFICER;~~

6 ~~(2) THE VARIETY OF DIFFERENT CONTROLLED DANGEROUS~~
7 ~~SUBSTANCES USED BY A PERSON APPLYING FOR CERTIFICATION AS A~~
8 ~~CORRECTIONAL OFFICER;~~

9 ~~(3) THE LENGTH OF TIME THAT HAS PASSED SINCE THE USE OF A~~
10 ~~CONTROLLED DANGEROUS SUBSTANCE BY A PERSON APPLYING FOR~~
11 ~~CERTIFICATION AS A CORRECTIONAL OFFICER;~~

12 ~~(4) SCIENTIFIC EVIDENCE REGARDING THE ADDICTIVE NATURE OR~~
13 ~~LONG TERM HEALTH EFFECTS OF A CONTROLLED DANGEROUS SUBSTANCE; AND~~

14 ~~(5) ANY OTHER INFORMATION OR CRITERIA THAT THE COMMISSION~~
15 ~~DETERMINES TO BE NECESSARY TO ENSURE THE FITNESS OF PERSONS APPLYING~~
16 ~~FOR CERTIFICATION AS CORRECTIONAL OFFICERS WITH REGARD TO PRIOR USE OF~~
17 ~~CONTROLLED DANGEROUS SUBSTANCES.~~

18 ~~(D) THE COMMISSION SHALL REQUIRE EVERY PERSON APPLYING FOR~~
19 ~~CERTIFICATION AS A CORRECTIONAL OFFICER TO SUBMIT TO THE COMMISSION A~~
20 ~~NOTARIZED AFFIDAVIT ATTESTING TO:~~

21 ~~(1) ANY PRIOR USE OF A CONTROLLED DANGEROUS SUBSTANCE BY~~
22 ~~THE PERSON; OR~~

23 ~~(2) LACK OF ANY PRIOR USE OF A CONTROLLED DANGEROUS~~
24 ~~SUBSTANCE BY THE PERSON.~~

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Police Training~~
26 ~~Commission and the Correctional Training Commission shall adopt regulations in~~
27 ~~accordance with Title 10, Subtitle 1 of the State Government Article of the Annotated~~
28 ~~Code of Maryland in conformity with the requirements of Section 1 of this Act by~~
29 ~~December 1, 1997.~~

30 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
31 ~~June 1, 1997.~~