
By: Chairman, Judicial Proceedings Committee (Departmental - Public Safety and Correctional Services)

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Economy and Efficiency - Organization and Responsibilities of the Department of Public**
3 **Safety and Correctional Services**

4 FOR the purpose of providing that the Correctional Training Commission and the
5 Maryland Commission on Correctional Standards are within the Department of
6 Public Safety and Correctional Services; authorizing the Secretary of Public Safety
7 and Correctional Services to transfer, assign, or reassign any function, activity, or
8 staff of any unit in the Department to any other unit in the Department in order to
9 increase efficiency and economy; specifying that agency heads and appointing
10 officers are subject to the Secretary's general authority over organizational units of
11 the Departments; providing that care, control, or supervision of certain offenders
12 may be assigned to any employee of the Department who has the proper
13 certification; repealing certain obsolete provisions; and generally relating to the
14 structure, organization, and responsibilities of the Department.

15 BY repealing and reenacting, with amendments,
16 Article 41 - Governor - Executive and Administrative Departments
17 Section 4-101(b), 4-102(a), 4-103(c), and 4-104(c)
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1996 Supplement)

20 BY adding to
21 Article 41 - Governor - Executive and Administrative Departments
22 Section 4-105(e)
23 Annotated Code of Maryland
24 (1993 Replacement Volume and 1996 Supplement)

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

2

1 Article 41 - Governor - Executive and Administrative Departments

2 4-101.

3 (b) The Secretary of Public Safety and Correctional Services shall receive such
4 salary as provided in the State budget. The Secretary shall serve at the pleasure of the
5 Governor, shall be directly responsible to the Governor, and shall counsel and advise the
6 Governor on all matters assigned to the Department of Public Safety and Correctional
7 Services. The Secretary shall be responsible for carrying out the Governor's policies in the
8 areas of public safety, [law enforcement,] crime prevention, correction, [treatment of
9 defective delinquents,] parole and probation.

10 4-102.

11 (a) The following departments, agencies, boards, commissions, offices, divisions,
12 and units of the State government are included within the Department of Public Safety
13 and Correctional Services: the Criminal Injuries Compensation Board, the Division of
14 Correction established pursuant to § 4-105 of this article, the Patuxent Institution, the
15 Board of Review for Patuxent Institution, the State Fire Prevention Commission, the
16 office of State Fire Marshal, the Police Training Commission, THE CORRECTIONAL
17 TRAINING COMMISSION, THE MARYLAND COMMISSION ON CORRECTIONAL
18 STANDARDS, the Maryland Parole Commission, the Division of Parole and Probation
19 established pursuant to § 4-105 of this article, the Sundry Claims Board, the Division of
20 Pretrial Detention and Services, the Vehicle Theft Prevention Council established
21 pursuant to Subtitle 16 of this title, and such other agencies, boards, commissions,
22 councils, offices, or units of government as may hereafter pursuant to law be declared to
23 be part of the Department of Public Safety and Correctional Services.

24 4-103.

25 (c) The appointment or removal of personnel by any board, commission, division,
26 [or] other agency, OR APPOINTING OFFICER within the jurisdiction of the Department
27 of Public Safety and Correctional Services shall be subject to the approval of the
28 Secretary; however the Secretary is authorized to delegate this power of approval to the
29 heads or governing bodies of the boards, commissions, divisions or other agencies within
30 the jurisdiction of the Department of Public Safety and Correctional Services.

31 4-104.

32 (c) (1) The Secretary of Public Safety and Correctional Services may in his
33 discretion exercise or perform any power, duty, responsibility or function which any of the
34 divisions, boards, commissions, offices [or] other agencies, AGENCY HEADS, OR
35 APPOINTING OFFICERS within the jurisdiction of the Department of Public Safety and
36 Correctional Services are authorized to exercise or perform, except for those powers,
37 duties, responsibilities and functions set forth in Article 38A, §§ 7(a) and 14(a) of the
38 Code, and §§ 4-504(a) and (c), 4-507(b), 4-511, and 4-701 of this article.

39 (2) (I) TO INCREASE EFFICIENCY AND ECONOMY, THE SECRETARY
40 MAY TRANSFER, ASSIGN, OR REASSIGN ANY FUNCTION, ACTIVITY, OR STAFF OF ANY
41 UNIT WITHIN THE DEPARTMENT, TOGETHER WITH THE FUNDS AND EQUIPMENT
42 ASSOCIATED WITH THAT FUNCTION OR ACTIVITY, TO ANY OTHER UNIT WITHIN THE
43 DEPARTMENT.

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1 (II) IF THE TRANSFER OF ANY FUNCTION OR ACTIVITY, UNDER
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH RENDERS THE NAME OF ANY UNIT WITHIN
3 THE DEPARTMENT MISLEADING OR INADEQUATE, THE SECRETARY MAY, WITH THE
4 GOVERNOR'S APPROVAL, ASSIGN A NEW NAME TO THE AFFECTED UNIT.

5 (III) IF THE SECRETARY CHANGES THE NAME OF A UNIT UNDER
6 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SECRETARY SHALL SUBMIT
7 LEGISLATION DURING THE NEXT SESSION OF THE GENERAL ASSEMBLY TO MAKE
8 ANY NECESSARY CONFORMING CHANGES TO THE ANNOTATED CODE.

9 4-105.

10 (E) WITH THE APPROVAL OF THE SECRETARY OF PUBLIC SAFETY AND
11 CORRECTIONAL SERVICES, THE CARE, CONTROL, OR SUPERVISION OF AN
12 INDIVIDUAL IN A STATE CORRECTIONAL INSTITUTION, ON PAROLE, OR ON
13 MANDATORY SUPERVISION MAY BE ASSIGNED TO ANY EMPLOYEE OF THE
14 DEPARTMENT WHO HAS PROPER CERTIFICATION FROM THE MARYLAND
15 CORRECTIONAL TRAINING COMMISSION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1997.