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1997 Regular Session
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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

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 12, 1997

CHAPTER ____

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; requiring the Department to
14 adopt regulations to implement this Act; exempting certain agencies from the
15 application of this Act; and generally relating to the structure, organization, and
16 responsibilities of the Department.

17 BY repealing and reenacting, with amendments,
18 Article 41 - Governor - Executive and Administrative Departments
19 Section 4-101(b), 4-102(a), 4-103(c), and 4-104(c)
20 Annotated Code of Maryland
21 (1993 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article 41 - Governor - Executive and Administrative Departments
24 Section 4-105(e)

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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 4-101.

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

14 4-102.

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

28 4-103.

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

35 4-104.

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

1 (2) (I) ~~TO INCREASE EFFICIENCY AND ECONOMY IN ACCORDANCE~~
2 ~~WITH THE STATE PERSONNEL AND PENSIONS ARTICLE AND THE STATE FINANCE~~
3 ~~AND PROCUREMENT ARTICLE~~, THE SECRETARY MAY TRANSFER, ASSIGN, OR
4 REASSIGN ANY FUNCTION, ACTIVITY, OR STAFF OF ANY UNIT WITHIN THE
5 DEPARTMENT, TOGETHER WITH THE FUNDS AND EQUIPMENT ASSOCIATED WITH
6 THAT FUNCTION OR ACTIVITY, TO ANY OTHER UNIT WITHIN THE DEPARTMENT IN
7 ORDER TO INCREASE EFFICIENCY AND ECONOMY.

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

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

16 4-105.

17 (E) WITH THE APPROVAL OF THE SECRETARY OF PUBLIC SAFETY AND
18 CORRECTIONAL SERVICES, THE CARE, CONTROL, OR SUPERVISION OF AN
19 INDIVIDUAL IN A STATE CORRECTIONAL INSTITUTION, ON PAROLE, OR ON
20 MANDATORY SUPERVISION MAY BE ASSIGNED TO ANY EMPLOYEE OF THE
21 DEPARTMENT WHO HAS PROPER CERTIFICATION FROM THE MARYLAND
22 CORRECTIONAL TRAINING COMMISSION.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Public
24 Safety and Correctional Services shall adopt regulations to implement this Act, including
25 regulations governing the transfer or reassignment of Departmental duties and staff.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act may not be
27 interpreted to affect the Maryland Parole Commission or the State Fire Marshal's office.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.