
By: **Prince George's County Delegation**
Introduced and read first time: February 11, 1998
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Detention Center - Transfer to State**
3 **PG 308-98**

4 FOR the purpose of transferring the Prince George's County Detention Center from
5 the authority of Prince George's County to the Division of Pretrial Detention and
6 Services of the Department of Public Safety and Correctional Services;
7 authorizing the Division of Pretrial Detention and Services to assume custody of
8 the inmates in and the operation of the Prince George's County Detention
9 Center; authorizing the Commissioner of the Division of Pretrial Detention and
10 Services to enter agreements with the Commissioner of Correction and
11 governmental agencies for the housing of individuals held in the Prince George's
12 County Detention Center; requiring the appointment of a warden and assistant
13 warden of the Detention Center by the Commissioner of Correction, subject to
14 the approval of the Secretary of Public Safety and Correctional Services;
15 requiring the transfer of the employees of the Prince George's County Detention
16 Center from employment by Prince George's County to State employment
17 without diminution of salary and benefits and without further examination or
18 qualification; directing the transfer of property, assets, licenses, credits, and
19 rights of the Prince George's County Detention Center to the Department of
20 Public Safety and Correctional Services; authorizing the Secretary of Public
21 Safety and Correctional Services to accept certain liabilities and assume certain
22 contracts of Prince George's County under certain circumstances; authorizing
23 the Secretary to assume certain procurement and construction contracts entered
24 into by Prince George's County under certain circumstances; providing for
25 certain pension and health insurance benefits for certain former employees of
26 the Prince George's County Detention Center; requiring the State to provide
27 certain sick and annual leave to former officers and employees of the Prince
28 George's County Detention Center under certain circumstances; requiring
29 Prince George's County to pay former officers and employees of the Prince
30 George's County Detention Center for certain sick and annual leave under
31 certain circumstances; requiring that the Division of Pretrial Detention and
32 Services provide certain information concerning sick leave to Prince George's
33 County; requiring that Prince George's County provide certain payments to the
34 Department of Public Safety and Correctional Services; requiring Prince
35 George's County and the State to establish a certain process to inform and

1 advise certain employees; providing for a 2-week notification to certain
2 employees; providing that certain employees may present certain grievances;
3 authorizing a certain payroll deduction under certain circumstances; specifying
4 certain contractual obligations of the State; providing that Prince George's
5 County is responsible for certain Fiscal Year 1999 deficiencies; requiring the
6 Department of Public Safety and Correctional Services to submit for approval
7 certain budgetary information by a certain date; providing that certain active
8 State employees may not receive certain retiree health benefits; defining a
9 certain term; making other technical corrections; making provisions of this Act
10 severable; providing for the effective date of this Act; and generally relating to
11 the transfer of the Prince George's County Detention Center to the Division of
12 Pretrial Detention and Services of the Department of Public Safety and
13 Correctional Services of the State of Maryland.

14 BY repealing and reenacting, with amendments,
15 Article 41 - Governor - Executive and Administrative Departments
16 Section 4-1401, 4-1403, 4-1404, 4-1407, 4-1408, 4-1409, 4-1410, 4-1411,
17 4-1412, and 4-1413
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1997 Supplement)

20 BY adding to
21 Article 41 - Governor - Executive and Administrative Departments
22 Section 4-1412.1 and 4-1413.1
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1997 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article 41 - Governor - Executive and Administrative Departments
27 Section 4-1402, 4-1405, and 4-1406
28 Annotated Code of Maryland
29 (1997 Replacement Volume and 1997 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article 27 - Crimes and Punishments
32 Section 616K, 645W, 645GG, 690(c) and (j), 704A, and 705
33 Annotated Code of Maryland
34 (1996 Replacement Volume and 1997 Supplement)

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

Article 41 - Governor - Executive and Administrative Departments

1 4-1401.

2 (a) The creation of the Division of Pretrial Detention and Services IN THE
3 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES is based on the
4 findings and policies set forth in this section.

5 (b) Each year a large number of persons have criminal charges placed against
6 them in Baltimore City AND PRINCE GEORGE'S COUNTY and remain on pretrial
7 status until these charges are adjudicated. Many of the persons on pretrial status are
8 committed to the Baltimore City Jail OR THE PRINCE GEORGE'S COUNTY DETENTION
9 CENTER, AS APPROPRIATE.

10 (c) There is an important public need to centralize and coordinate the
11 provision of services to those persons on a pretrial status in Baltimore City AND TO
12 THOSE PERSONS IN THE PRINCE GEORGE'S COUNTY DETENTION CENTER.

13 (d) It is increasingly apparent that the City of Baltimore AND PRINCE
14 GEORGE'S COUNTY [does] DO not have the financial resources to fund the Baltimore
15 City Jail AND THE PRINCE GEORGE'S COUNTY DETENTION CENTER at [a level]
16 LEVELS sufficient to meet the needs of those incarcerated.

17 (e) The State of Maryland recognizes the need to provide more effective and
18 efficient services to the citizens of Baltimore through management of the pretrial
19 population in Baltimore City AND THE PRISON POPULATION IN PRINCE GEORGE'S
20 COUNTY.

21 (f) Officials of the City of Baltimore, PRINCE GEORGE'S COUNTY, and the
22 State of Maryland shall work together in [preparing for the establishment of a new
23 agency] ASSISTING THE DIVISION OF PRETRIAL DETENTION AND SERVICES IN THE
24 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES to improve the
25 delivery of services for persons [on pretrial status] THAT ARE SUBJECT TO THE
26 DIVISION'S JURISDICTION.

27 4-1402.

28 (a) In this subtitle the following words have the meanings indicated.

29 (b) "Commissioner" means the Commissioner of Pretrial Detention and
30 Services.

31 (c) "Department" means the Department of Public Safety and Correctional
32 Services.

33 (d) "Division" means the Division of Pretrial Detention and Services.

34 (e) "Secretary" means the Secretary of Public Safety and Correctional
35 Services.

1 4-1403.

2 (a) There is a Division of Pretrial Detention and Services in the Department.

3 (b) The Division consists of:

4 (1) A Pretrial Release Services Program; [and]

5 (2) A Baltimore City Detention Center; AND

6 (3) THE PRINCE GEORGE'S COUNTY DETENTION CENTER.

7 (c) The Division has the same authority with regard to the custody of its
8 inmates and the operation of the Baltimore City Detention Center AND THE PRINCE
9 GEORGE'S COUNTY DETENTION CENTER:

10 (1) As the Division of Correction has under this Code, including Article
11 27, §§ 667 through 726, with regard to the custody of its inmates and the operation of
12 the Division of Correction; and

13 (2) As the sheriffs have under this Code, including §§ 45 through 47 of
14 Article 87, with regard to the detention of persons committed to their custody, and the
15 operation of local jails and detention facilities.

16 (d) This subtitle may not be construed to limit or supersede the authority of a
17 court to determine the conditions of pretrial release.

18 4-1404.

19 (a) There is a Commissioner of Pretrial Detention and Services, who is
20 appointed by the Secretary, with the approval of the Governor.

21 (b) The Commissioner serves at the pleasure of the Secretary.

22 (c) The Commissioner:

23 (1) With regard to the Division, shall have the same authority as is
24 vested by this Code, including Article 27, §§ 667 through 726, in the Commissioner of
25 Correction over the Division of Correction;

26 (2) Shall safely keep any person committed or transferred to the custody
27 of the Commissioner until the person is discharged in accordance with law;

28 (3) Is in charge of the Division, subject to the authority of the Secretary;

29 (4) Is the appointing authority for all employees of the Division;

30 (5) May enter agreements with the Commissioner of Correction for the
31 housing of any persons held in the Baltimore City Detention Center OR THE PRINCE
32 GEORGE'S COUNTY DETENTION CENTER;

1 (6) May enter agreements with governmental entities for the housing of
2 any person held in the Baltimore City Detention Center OR THE PRINCE GEORGE'S
3 COUNTY DETENTION CENTER;

4 (7) May enter agreements for the housing of any person committed to
5 federal or local governmental entities in the Baltimore City Detention Center OR THE
6 PRINCE GEORGE'S COUNTY DETENTION CENTER;

7 (8) May enter other agreements necessary to carry out the purposes of
8 this subtitle; and

9 (9) Shall establish a home detention program under such terms as the
10 Secretary shall provide. Subject to subsection (d) of this section, the terms and
11 conditions of the Home Detention Program shall be established by regulation,
12 notwithstanding any other provision of law.

13 (d) The authority of a judge of the circuit or district court to determine the
14 conditions of pretrial release or to find that a defendant awaiting trial may not be
15 placed on a home detention program may not be limited or superseded by:

16 (1) Any regulation of the Division or Department; or

17 (2) The Division or the Commissioner.

18 4-1405.

19 (a) There is a Deputy Commissioner of Pretrial Detention and Services who is
20 appointed by the Commissioner, with the approval of the Secretary.

21 (b) The Deputy Commissioner serves at the pleasure of the Commissioner.

22 (c) The Deputy Commissioner shall be the acting Commissioner in the
23 absence of the Commissioner.

24 4-1406.

25 (a) There is a Pretrial Release Services Program, which shall be part of the
26 Division, and the head of which shall be the Director of Pretrial Release Services. The
27 Director and the Deputy Director shall be appointed by the Commissioner, with the
28 approval of the Secretary, to serve at the pleasure of the Commissioner. The salaries
29 of the Director and Deputy Director shall be as provided in the annual State budget.

30 (b) Subject to the authority of the Commissioner, the Pretrial Release Services
31 Program shall, in addition to any other duties provided for by law, perform the
32 pretrial release duties formerly performed by the Pretrial Release Services Division of
33 the Department of Public Safety and Correctional Services, the Pretrial Release
34 Committee, and the Division of Parole and Probation.

1 4-1407.

2 (a) There is a Baltimore City Detention Center which [is part] ARE PARTS of
3 the Division.

4 (b) The Baltimore City Detention Center [is a] AND THE PRINCE GEORGE'S
5 COUNTY DETENTION CENTER ARE [pretrial] detention [facility] FACILITIES for any
6 person committed or transferred to the custody of the Commissioner.

7 (c) The Secretary may authorize the housing, in the Baltimore City Detention
8 Center OR THE PRINCE GEORGE'S COUNTY DETENTION CENTER, of any person held in
9 custody under any agency of the Department.

10 4-1408.

11 (a) With the approval of the Secretary, the Commissioner shall appoint a
12 Warden of the Baltimore City Detention Center AND A WARDEN OF THE PRINCE
13 GEORGE'S COUNTY DETENTION CENTER.

14 (b) [The Warden of the Baltimore City Detention Center] EACH WARDEN
15 serves at the pleasure of the Commissioner.

16 (c) [The Warden] EACH WARDEN is in charge of the [Baltimore City
17 Detention Center] WARDEN'S RESPECTIVE DETENTION CENTER, subject to the
18 authority of the Commissioner and the Secretary.

19 4-1409.

20 (a) The Commissioner may appoint assistant wardens for [the Baltimore City
21 Detention Center] EACH DETENTION CENTER, as are provided for in the annual
22 budget.

23 (b) An assistant warden [of the Baltimore City Detention Center] serves at
24 the pleasure of the Commissioner.

25 (c) An assistant warden, designated by the Warden, is in charge of the
26 [Baltimore City Detention Center] DETENTION CENTER, in the absence of the
27 Warden, subject to the authority of the Commissioner and the Secretary.

28 4-1410.

29 (a) Any person committed to the custody of the Baltimore City Jail for any
30 purpose other than the service of a sentence, as of July 1, 1991, OR ANY PERSON
31 COMMITTED TO THE CUSTODY OF THE PRINCE GEORGE'S COUNTY DETENTION
32 CENTER FOR ANY PURPOSE AS OF JULY 1, 1999, is, on that date, committed to the
33 custody of the Commissioner.

34 (b) Any person committed to the custody of the Baltimore City Jail for service
35 of a sentence as of July 1, 1991 is, on that date, committed to the custody of the
36 Commissioner of Correction.

1 (c) A judge of any court in Baltimore City who commits any person to custody
2 for any purpose other than service of a sentence shall commit the person to the
3 custody of the Commissioner OF CORRECTION.

4 (d) Notwithstanding any provision of the Code to the contrary, a judge of any
5 court in Baltimore City OR IN PRINCE GEORGE'S COUNTY who commits any person to
6 custody for service of any sentence shall commit the person to the custody of the
7 Commissioner of Correction.

8 4-1411.

9 (a) (1) On July 1, 1991, title to and possession of all records concerning
10 inmates housed as of that date at the Baltimore City Jail shall be transferred to the
11 Warden of the Baltimore City Detention Center or a designee.

12 (2) ON JULY 1, 1999, TITLE TO AND POSSESSION OF ALL RECORDS
13 CONCERNING INMATES HOUSED AS OF THAT DATE AT THE PRINCE GEORGE'S
14 COUNTY DETENTION CENTER SHALL BE TRANSFERRED TO THE WARDEN OF THE
15 PRINCE GEORGE'S COUNTY DETENTION CENTER UNDER THE JURISDICTION OF THE
16 DIVISION.

17 (b) (1) Except as provided in subsection (a) of this section, all
18 administrative, financial, operational, inmate, and other records concerning the
19 Baltimore City Jail AND THE PRINCE GEORGE'S COUNTY DETENTION CENTER shall
20 be preserved by the City of Baltimore AND PRINCE GEORGE'S COUNTY,
21 RESPECTIVELY, for a period of 5 years, or for such other period as may be agreed upon
22 between the Commissioner and the City of Baltimore OR PRINCE GEORGE'S COUNTY.

23 (2) The records shall be made available, upon request, to any State
24 personnel who require the records in connection with the performance of their official
25 duties.

26 (3) The City of Baltimore AND PRINCE GEORGE'S COUNTY, AS
27 APPROPRIATE, [will] SHALL transfer possession of the records to the Division of
28 Pretrial Detention and Services, upon request.

29 (c) Any records transferred to the Division will be made available, upon
30 request, to [city] BALTIMORE CITY OR PRINCE GEORGE'S COUNTY personnel who
31 require the records in connection with the performance of their official duties.

32 4-1412.

33 (a) Every officer and every employee of the Baltimore City Jail as of June 30,
34 1991 shall be terminated from city employment. Except as provided in this subtitle,
35 any earned or accrued benefit such as leave and seniority rights, which these
36 individuals have earned or accrued as of June 30, 1991 shall be the sole financial
37 responsibility of the City of Baltimore. None of these benefits or any other benefit is
38 an obligation of the State.

1 (b) (1) On July 1, 1991, the Division may employ, as it deems necessary, any
2 officers or employees of the Baltimore City Jail at the same salaries received on
3 January 31, 1991, or the salaries received at the time of employment, whichever are
4 greater, without further examination or qualification.

5 (2) For the purposes of paragraph (1) of this subsection, the Division
6 shall recognize employee salaries as of January 31, 1991, plus any salary increases
7 attributable to:

8 (i) Longevity and salary increments associated only with an
9 employee's anniversary date of employment;

10 (ii) Promotions prior to March 30, 1991; and

11 (iii) Promotions to fill vacancies.

12 (3) The salary increases specified in paragraph (2) of this subsection
13 shall be recognized only pursuant to Baltimore City personnel policies in effect on
14 January 31, 1991.

15 (4) If a classified service employee was employed by the State in
16 accordance with paragraph (1) of this subsection, beginning January 1, 1996, the
17 employee's years of service as an employee of Baltimore City shall be added to the
18 employee's years of service with the State for the purpose of determining:

19 (i) The annual leave accrual rate provided in § 9-302 of the State
20 Personnel and Pensions Article;

21 (ii) Seniority under Title 11, Subtitle 2 of the State Personnel and
22 Pensions Article, relating to layoffs; and

23 (iii) Seniority under § 4-205(c) of the State Personnel and Pensions
24 Article, relating to promotions.

25 (c) Each position held by such persons shall be in the unclassified service and
26 such persons shall serve at the pleasure of the Secretary until such time, if any, as the
27 position is classified by the Department of Budget and Management, upon the
28 recommendation of the Secretary.

29 (d) On or before December 31, 1991, the Department of Personnel shall review
30 the positions at the Division and classify each position not excluded by law from the
31 classified service.

32 (e) Persons employed under subsection (b) of this section and holding
33 positions classified under subsection (d) of this section may continue to hold the newly
34 classified positions without further examination and shall have all the rights of the
35 class to which the positions are allocated.

1 (f) Beginning January 1, 1992, the creation and filling of all classified service
2 positions shall be in accordance with the provisions of the State Personnel and
3 Pensions Article that govern classified service employees.

4 (g) The salary of the officers and employees of the Division shall be as set
5 forth in the State budget.

6 (h) It shall be the responsibility of the City of Baltimore to pay whatever
7 moneys are due upon termination of city employment as of June 30, 1991, to any
8 officer or employee of the Baltimore City Jail.

9 4-1412.1.

10 (A) EVERY OFFICER AND EVERY EMPLOYEE OF THE PRINCE GEORGE'S
11 COUNTY DETENTION CENTER AS OF JUNE 30, 1999, SHALL BE TRANSFERRED FROM
12 COUNTY EMPLOYMENT TO STATE EMPLOYMENT WITHOUT DIMINUTION OF SALARY,
13 ANY EARNED OR ACCRUED LEAVE BENEFITS, AND SENIORITY RIGHTS, OR ANY
14 OTHER BENEFITS.

15 (B) (1) ON JULY 1, 1999, THE DIVISION SHALL EMPLOY THE OFFICERS AND
16 EMPLOYEES OF THE PRINCE GEORGE'S COUNTY DETENTION CENTER AT THE SAME
17 SALARIES RECEIVED ON JANUARY 31, 1999, WITHOUT FURTHER EXAMINATION OR
18 QUALIFICATION.

19 (2) FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE
20 DIVISION SHALL RECOGNIZE EMPLOYEE SALARIES AS OF JANUARY 31, 1999, PLUS
21 ANY SALARY INCREASES ATTRIBUTABLE TO:

22 (I) LONGEVITY AND SALARY INCREMENTS ASSOCIATED ONLY
23 WITH AN EMPLOYEE'S ANNIVERSARY DATE OF EMPLOYMENT;

24 (II) PROMOTIONS PRIOR TO MARCH 30, 1999; AND

25 (III) PROMOTIONS TO FILL VACANCIES.

26 (3) WITH THIS SECTION, BEGINNING JANUARY 1, 2000, AN EMPLOYEE'S
27 YEARS OF SERVICE AS AN EMPLOYEE OF PRINCE GEORGE'S COUNTY SHALL BE
28 ADDED TO THE EMPLOYEE'S YEARS OF SERVICE WITH THE STATE FOR THE PURPOSE
29 OF DETERMINING:

30 (I) THE ANNUAL LEAVE ACCRUAL RATE PROVIDED IN § 9-302 OF
31 THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

32 (II) SENIORITY UNDER TITLE 11, SUBTITLE 2 OF THE STATE
33 PERSONNEL AND PENSIONS ARTICLE, RELATING TO LAYOFFS.

34 (C) ON OR BEFORE DECEMBER 31, 1999, EACH POSITION HELD BY PERSONS
35 UNDER SUBSECTION (B) OF THIS SECTION SHALL BE CLASSIFIED IN THE SKILLED OR
36 PROFESSIONAL SERVICE BY THE DEPARTMENT OF BUDGET AND MANAGEMENT ON
37 THE RECOMMENDATION OF THE SECRETARY.

1 (D) PERSONS EMPLOYED UNDER SUBSECTION (B) OF THIS SECTION AND
2 HOLDING POSITIONS CLASSIFIED UNDER SUBSECTION (C) OF THIS SECTION MAY
3 CONTINUE TO HOLD THE NEWLY CLASSIFIED POSITIONS WITHOUT FURTHER
4 EXAMINATION AND SHALL HAVE ALL THE RIGHTS OF THE CLASS TO WHICH THE
5 POSITIONS ARE ALLOCATED.

6 4-1413.

7 (a) (1) The Secretary, the Jail Board of the Baltimore City Jail, and the City
8 of Baltimore shall enter into an agreement effective July 1, 1991, for the purpose of
9 transferring all the rights, title, and interests of the property, assets, licenses, and
10 credits of the Baltimore City Jail or any property or other assets used or acquired for
11 the Baltimore City Correctional Facility to the Secretary, to be used for the Baltimore
12 City Detention Center, or as otherwise directed or authorized by the Secretary.

13 (2) The assets and property shall include, but are not limited to:

14 (i) The Jail Industries Building;

15 (ii) The Graves Street Work Release Center;

16 (iii) The Baltimore City Jail Administration Building;

17 (iv) 801 Fallsway Property (adjacent to the Baltimore City Jail); and

18 (v) The Baltimore City Complex: the Control Center, the Men's
19 Detention Center, the Main, North, and South Buildings, the Women's Detention
20 Center, the Power Plant, the Annex Building, the kitchen, the dining building, and
21 the Wyatt Building.

22 (3) Upon execution of the agreement as provided in paragraph (1) of this
23 subsection, the City of Baltimore and the Baltimore City Jail Board shall make, and
24 the Secretary shall accept, a conveyance of the real property, other property, assets,
25 licenses, credits, and rights which are the subject of the agreement.

26 (4) (i) In the Secretary's discretion, the Secretary may assume in
27 writing such liabilities and obligations of Baltimore City as the Secretary considers
28 necessary or useful.

29 (ii) Except as otherwise provided in subsection (b) of this section,
30 the Secretary may assume such liabilities or obligations only if the nature and terms
31 of the obligations or liabilities to be assumed are consistent with the laws and
32 regulations of the State.

33 (iii) No liability, contract, or obligation of Baltimore City is a
34 liability, contract, or obligation of the State of Maryland, unless such liability,
35 contract, or obligation is expressly assumed by the Secretary in writing.

36 (iv) Baltimore City shall indemnify and hold harmless the State,
37 the Department, and the Division, for any judgments, damages, liens, settlements,

1 consent decrees, and other costs, including attorney's fees, arising from the operations
2 of the Baltimore City Jail, for the actions of the Jail Board of the Baltimore City Jail,
3 or for the acts or omissions of their employees, officers, or agents which occurred on or
4 before June 30, 1991.

5 (v) On or after July 1, 1991, an officer and employee of the
6 Baltimore City Jail shall be covered by the Local Government Tort Claims Act for any
7 act or omission that occurred in connection with the performance of the officer's and
8 employee's duties on or before June 30, 1991.

9 (vi) On or after July 1, 1991, an officer and employee of the Division
10 of Pretrial Detention and Services shall be covered by the State Tort Claims Act for
11 any act or omission that occurred in connection with the performance of the officer's
12 and employee's duties on or after July 1, 1991.

13 (b) (1) Before July 1, 1991, the Secretary may in the Secretary's discretion,
14 assume by written agreement as assignee, any procurement and construction
15 contract entered into by or on behalf of the Baltimore City Jail prior to June 1, 1991.
16 The Secretary may assume such procurement and construction contracts without
17 regard to whether the contracts conform to the requirements of Division II of the
18 State Finance and Procurement Article and the regulations issued under that article
19 or any other provision of law.

20 (2) Before September 1, 1991, the Division may enter procurement and
21 construction contracts connected with operation of the Baltimore City Detention
22 Center without compliance with the requirements of Division II of the State Finance
23 and Procurement Article and the regulations issued under that article.

24 (3) After August 31, 1991, procurement by or on behalf of the Baltimore
25 City Detention Center shall be in accordance with Division II of the State Finance
26 and Procurement Article, and the regulations issued under that article.

27 (4) For purposes of this section, "procurement" and "procurement
28 contract" have the meanings stated in § 11-101 of the State Finance and Procurement
29 Article.

30 4-1413.1.

31 (A) (1) THE SECRETARY AND PRINCE GEORGE'S COUNTY SHALL ENTER INTO
32 AN AGREEMENT EFFECTIVE JULY 1, 1999, FOR THE PURPOSE OF TRANSFERRING ALL
33 THE RIGHTS, TITLE, AND INTERESTS OF THE PROPERTY, ASSETS, LICENSES, AND
34 CREDITS OF THE PRINCE GEORGE'S COUNTY DETENTION CENTER TO THE
35 SECRETARY, TO BE USED AS DIRECTED OR AUTHORIZED BY THE SECRETARY.

36 (2) UPON EXECUTION OF THE AGREEMENT AS PROVIDED IN
37 PARAGRAPH (1) OF THIS SUBSECTION, PRINCE GEORGE'S COUNTY SHALL MAKE, AND
38 THE SECRETARY SHALL ACCEPT, A CONVEYANCE OF THE REAL PROPERTY, OTHER
39 PROPERTY, ASSETS, LICENSES, CREDITS, AND RIGHTS THAT ARE THE SUBJECT OF
40 THE AGREEMENT.

1 (3) (I) THE SECRETARY MAY ASSUME IN WRITING SUCH LIABILITIES
2 AND OBLIGATIONS OF PRINCE GEORGE'S COUNTY AS THE SECRETARY CONSIDERS
3 NECESSARY OR USEFUL.

4 (II) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS
5 SECTION, THE SECRETARY MAY ASSUME SUCH LIABILITIES OR OBLIGATIONS ONLY
6 IF THE NATURE AND TERMS OF THE OBLIGATIONS OR LIABILITIES TO BE ASSUMED
7 ARE CONSISTENT WITH THE LAWS AND REGULATIONS OF THE STATE.

8 (III) ANY LIABILITY, CONTRACT, OR OBLIGATION OF PRINCE
9 GEORGE'S COUNTY IS NOT A LIABILITY, CONTRACT, OR OBLIGATION OF THE STATE
10 OF MARYLAND, UNLESS THE LIABILITY, CONTRACT, OR OBLIGATION IS EXPRESSLY
11 ASSUMED BY THE SECRETARY IN WRITING.

12 (IV) PRINCE GEORGE'S COUNTY SHALL INDEMNIFY AND HOLD
13 HARMLESS THE STATE, THE DEPARTMENT, AND THE DIVISION, FOR ANY
14 JUDGMENTS, DAMAGES, LIENS, SETTLEMENTS, CONSENT DECREES, AND OTHER
15 COSTS, INCLUDING ATTORNEY'S FEES, ARISING FROM THE OPERATIONS OF THE
16 PRINCE GEORGE'S COUNTY DETENTION CENTER FOR THE ACTS OR OMISSIONS OF
17 THEIR EMPLOYEES, OFFICERS, OR AGENTS WHICH OCCURRED ON OR BEFORE JUNE
18 30, 1999.

19 (V) ON OR AFTER JULY 1, 1999, AN OFFICER AND EMPLOYEE OF THE
20 PRINCE GEORGE'S COUNTY DETENTION CENTER SHALL BE COVERED BY THE LOCAL
21 GOVERNMENT TORT CLAIMS ACT FOR ANY ACT OR OMISSION THAT OCCURRED IN
22 CONNECTION WITH THE PERFORMANCE OF THE OFFICER'S AND EMPLOYEE'S DUTIES
23 ON OR BEFORE JUNE 30, 1999.

24 (VI) ON OR AFTER JULY 1, 1999, AN OFFICER AND EMPLOYEE OF THE
25 DIVISION OF PRETRIAL DETENTION AND SERVICES SHALL BE COVERED BY THE
26 STATE TORT CLAIMS ACT FOR ANY ACT OR OMISSION THAT OCCURRED IN
27 CONNECTION WITH THE PERFORMANCE OF THE OFFICER'S AND EMPLOYEE'S DUTIES
28 ON OR AFTER JULY 1, 1999.

29 (B) (1) BEFORE JULY 1, 1999, THE SECRETARY MAY ASSUME BY WRITTEN
30 AGREEMENT AS ASSIGNEE ANY PROCUREMENT AND CONSTRUCTION CONTRACT
31 ENTERED INTO BY OR ON BEHALF OF THE PRINCE GEORGE'S COUNTY DETENTION
32 CENTER PRIOR TO JUNE 1, 1999. THE SECRETARY MAY ASSUME SUCH PROCUREMENT
33 AND CONSTRUCTION CONTRACTS WITHOUT REGARD TO WHETHER THE CONTRACTS
34 CONFORM TO THE REQUIREMENTS OF DIVISION II OF THE STATE FINANCE AND
35 PROCUREMENT ARTICLE AND THE REGULATIONS ISSUED UNDER THAT ARTICLE OR
36 ANY OTHER PROVISION OF LAW.

37 (2) BEFORE SEPTEMBER 1, 1999, THE DIVISION MAY ENTER INTO
38 PROCUREMENT AND CONSTRUCTION CONTRACTS CONNECTED WITH THE
39 OPERATION OF THE PRINCE GEORGE'S COUNTY DETENTION CENTER WITHOUT
40 COMPLIANCE WITH THE REQUIREMENTS OF DIVISION II OF THE STATE FINANCE AND
41 PROCUREMENT ARTICLE AND THE REGULATIONS ISSUED UNDER THAT ARTICLE.

1 (3) AFTER AUGUST 31, 1999, PROCUREMENT BY OR ON BEHALF OF THE
2 PRINCE GEORGE'S COUNTY DETENTION CENTER SHALL BE IN ACCORDANCE WITH
3 DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND THE
4 REGULATIONS ISSUED UNDER THAT ARTICLE.

5 (4) FOR PURPOSES OF THIS SECTION, "PROCUREMENT" AND
6 "PROCUREMENT CONTRACT" HAVE THE MEANINGS STATED IN § 11-101 OF THE STATE
7 FINANCE AND PROCUREMENT ARTICLE.

8 **Article 27 - Crimes and Punishments**

9 616K.

10 (a) The phrase "appropriate court" as used in the Interstate Agreement on
11 Detainers, with reference to the courts of this State, means any court in this State
12 having criminal jurisdiction which is part of the circuit court of a county, the District
13 Court or any other court than these specified courts.

14 (b) The phrase "correctional institution" as used in the Interstate Agreement
15 on Detainers, with reference to correctional institutions in this State means any
16 SPECIFIC STATE institution or facility [referred to in § 689 of this article and], the jail
17 of any county [or], THE PRINCE GEORGE'S COUNTY DETENTION CENTER, OR the
18 Baltimore City Detention Center.

19 645W.

20 (a) (1) At any time during a period of confinement, and in accordance with
21 programs available, the Commissioner of Pretrial Detention and Services may
22 prescribe that a person detained in the Baltimore City Detention Center OR THE
23 PRINCE GEORGE'S COUNTY DETENTION CENTER if approved by the judge ordering
24 the confinement, or if he is unable to act then any other judge of the committing court,
25 may continue the person's regular employment, obtain new employment, participate
26 in a training or rehabilitation or other special program, or attend educational
27 institutions, during the period of custody.

28 (2) A prisoner in a prescribed program pursuant to this section shall be
29 held in custody between program hours or periods. Within the discretion of the
30 Commissioner or the Commissioner's designee, a prisoner in a prescribed program
31 may be held in custody through home detention by the use of electronic monitoring
32 devices.

33 (3) The Commissioner may contract, subject to the availability of funds,
34 for halfway houses or other suitable housing facilities or electronic monitoring devices
35 for prisoners in a prescribed program.

36 (b) A prisoner employed under a work release plan shall surrender to the
37 Commissioner or the Commissioner's designee the total earnings, less payroll
38 deductions required by law. The Commissioner or the Commissioner's designee shall
39 deduct from these earnings after payroll deductions (net earnings) in the following
40 order of priority: An amount for the cost to the State of providing food, lodging,

1 electronic monitoring devices, and clothing for the prisoner (but not to exceed one
2 third of net earnings); the actual and necessary food, travel, and other expenses of the
3 prisoner when released from actual custody under the program; the amount which
4 the prisoner may be legally obligated to pay for the support of his dependents by court
5 order directed to the Commissioner, which amount shall be paid to the dependents as
6 the order directs; and the amount ordered to be paid by the court as restitution. Any
7 balance remaining after these deductions and payments shall be credited to the
8 prisoner's account and shall be paid to the prisoner upon release. In those cases in
9 which the prisoner's final earnings under a work release plan are required to satisfy
10 the obligatory deductions set forth in this subsection, the balance of such earnings
11 shall be forwarded to the prisoner within [15] 9 days of the date of release from the
12 Baltimore City Detention Center OR THE PRINCE GEORGE'S COUNTY DETENTION
13 CENTER.

14 645GG.

15 (a) (1) In this section the following terms have the meanings indicated.

16 (2) "Local detention center" means a jail, work release, or prerelease
17 center, or any other correctional facility operated by 1 or more counties for the
18 purpose of adult detention and confinement.

19 (3) "Weekend prisoner" means a prisoner sentenced to a local detention
20 center for nonconsecutive periods of 48 hours or less per week.

21 (b) [The] EXCEPT FOR PRINCE GEORGE'S COUNTY AND THE CITY OF
22 BALTIMORE, THE governing body of a county may impose on and collect from a
23 weekend prisoner a reasonable fee in an amount not to exceed the average cost of
24 providing food, lodging, and clothing for a prisoner.

25 (c) (1) [If] EXCEPT FOR PRINCE GEORGE'S COUNTY AND THE CITY OF
26 BALTIMORE, IF the governing body of a county decides to impose a fee under this
27 section, the governing body shall adopt standard procedures to implement this
28 section.

29 (2) Procedures adopted under this section shall include a provision for
30 the waiver of a part or all of a fee imposed under this section based on the ability of a
31 prisoner to pay the fee.

32 690.

33 (c) (1) Notwithstanding any provision of this article or any other law to the
34 contrary, and except as provided in paragraph (2) of this subsection, a sentence by any
35 judge to the jurisdiction of the Division shall comply with the following stipulations:

36 (i) As of January 1, 1987, no sentence shall be 6 months or less;

37 (ii) As of January 1, 1988, no sentence shall be for less than 12
38 months; and

1 (iii) As of January 1, 1989, no sentence shall be 12 months or less.

2 (2) (i) Expired.

3 (ii) A judge may sentence an individual to the jurisdiction of the
4 Division for 12 months or less if the sentence is for an offense committed by the
5 individual while an inmate in a facility under the jurisdiction of the Division and the
6 individual is still under the jurisdiction of the Division.

7 (3) This subsection does not apply to any person sentenced in Baltimore
8 City OR PRINCE GEORGE'S COUNTY.

9 (j) (1) After the end of each fiscal year the State shall reimburse the
10 counties, EXCEPT FOR PRINCE GEORGE'S COUNTY AND THE CITY OF BALTIMORE, for
11 medical expenses that exceed \$25,000 for each person confined in a local detention
12 facility, regardless of whether the person has been sentenced.

13 (2) If medical expenses for a person described under paragraph (1) of this
14 subsection exceed \$25,000 in a fiscal year, the medical expenses for the person that
15 exceed \$25,000 shall be excluded from the total annual operating costs used to
16 determine reimbursements to the counties as provided in subsections (d) and (i) of
17 this section.

18 704A.

19 (a) In this section "local detention center" means a county or town jail, work
20 release or prerelease center, the Baltimore City Detention Center, THE PRINCE
21 GEORGE'S COUNTY DETENTION CENTER, or any correctional facility operated by one
22 or more counties for the purpose of adult detention and confinement.

23 (b) An inmate sentenced to or held in a pre-trial or pre-sentence status in a
24 local detention center is entitled to a diminution of the period of his or her
25 confinement in accordance with the provisions of this section.

26 (c) For each calendar month during which the inmate is not guilty of a
27 violation of applicable rules of discipline and labors with diligence and fidelity when
28 the opportunity for labor is made available, the inmate shall be allowed a deduction of
29 5 days from the period of the commitment or sentence. These deductions:

30 (1) Shall commence on the day the inmate arrived at the local detention
31 center;

32 (2) Shall be made on a prorated basis for any portion of a calendar month
33 during which the inmate was committed to the local detention center; and

34 (3) Shall cease upon release or commitment to the custody of the
35 Commissioner.

1 (d) (1) Subject to the inmate's future good conduct, each inmate sentenced to
2 a local detention center shall be allowed an initial deduction from the period of the
3 commitment or sentence.

4 (2) This deduction shall be calculated at the rate of 5 days for each
5 calendar month, and on a prorated basis for any portion of a calendar month, within
6 the period between the first day of commitment to the custody of the local detention
7 center and the last day of the inmate's maximum term of confinement.

8 (e) For each calendar month during which the inmate has manifested
9 exceptional industry, application, and skill in the performance of any industrial,
10 agricultural, or administrative tasks assigned to the inmate, or where he or she has
11 manifested satisfactory industry, application, and progress in any vocational or other
12 educational and training courses, the inmate may be allowed an additional deduction
13 of 5 days from the period of his or her commitment or sentence. These deductions:

14 (1) Shall commence on the first day that the task is performed or the
15 course is taken;

16 (2) Shall be made on a prorated basis for any portion of a calendar month
17 during which the inmate performed the task or attended the course; and

18 (3) Shall cease upon release or commitment of the inmate to the custody
19 of the Commissioner.

20 (f) For each calendar month or fraction thereof commencing on the first day of
21 assignment, during which the inmate has manifested satisfactory industry,
22 application, and progress in special selected work projects, or other special programs,
23 he or she may be allowed an additional deduction of days, not exceeding 5 in number,
24 from the period of his or her commitment or sentence. Such projects and programs
25 shall be designated by the managing officer of the local detention center.

26 (g) For each and every violation of the rules of discipline of the local detention
27 center, the managing officer of the local detention center may deduct all gained time
28 in the month in which such violation occurs. Further, according to the aggravated
29 nature or frequency of the violation, a deduction may be made of some or all of the
30 time gained for good conduct under subsections (c) and (d) of this section. The
31 deductions allowed and earned under subsections (e) and (f) of this section shall not
32 be affected by the provisions of this subsection. An inmate may not forfeit time gained
33 unless prior to the forfeiture he or she is afforded due process of law.

34 (h) If the inmate is ultimately committed to the custody of the Commissioner
35 of Correction, or transferred to another local detention center, the inmate's records of
36 accrued credits for diminution of sentence shall be forwarded to the receiving
37 institution, which shall apply the credits to reduce the inmate's period of
38 confinement.

39 (i) An inmate entitled to a diminution of the period of his or her confinement
40 under this section who is transferred to a hospital or mental institution may not be
41 denied credit authorized by this section.

1 705.

2 (a) (1) A "local detention center" means any jail, work release, or prerelease
3 center, or any other correctional facility operated by one or more counties for the
4 purpose of adult detention and confinement.

5 (2) "Secretary" means the Secretary of the Department of Public Safety
6 and Correctional Services.

7 (3) (I) "County" or "counties" means 1 or more of the [23] counties of
8 Maryland.

9 (II) "COUNTY" DOES NOT INCLUDE THE CITY OF BALTIMORE OR
10 PRINCE GEORGE'S COUNTY.

11 (b) The governing body of one or more counties may establish and maintain a
12 local detention center and may enter into a written agreement with each other as to
13 allocation of responsibility, construction, operation, maintenance and appointment of
14 personnel. The State may, but need not be a party to any such agreement.

15 (c) The chief administrator of a local detention center shall be responsible for
16 the safekeeping and care of all prisoners and other persons detained or sentenced to
17 the local detention center from the time they are lawfully detained in or committed
18 thereto, until discharged, released or withdrawn pursuant to court order or other
19 lawful authority. Nothing herein shall affect the powers and duties of the sheriff of
20 any county in respect to the safekeeping and custody of all prisoners or persons,
21 except when the prisoners or persons are lawfully assigned to a local detention center
22 operated by more than 1 county.

23 (d) Except as provided in subsection (e) of this section:

24 (1) Upon the determination by a county or counties to build or maintain
25 a local detention center, application may be made to the Secretary for financial
26 assistance for the construction or enlargement of the facility. The applicant shall
27 provide such information in such form as may be required by the Secretary, including
28 the program and plans for construction, and the rehabilitation and training programs
29 to be instituted.

30 (2) Where any county or counties has its plan for construction approved
31 by the Secretary, the State shall pay the same share as that provided for jail
32 construction or rehabilitation.

33 (3) The Secretary is hereby authorized to receive any grant of funds from
34 the federal government or any other public or private foundation or agency for the
35 purposes designated in this section.

36 (4) In the event any county maintaining, operating or participating in a
37 local detention and correctional center provides for making improvements resulting
38 from the adoption of mandatory or approved standards to the local detention and
39 correctional center, the jail or other such places of detention of said county, counties or

1 city, the State, through the Board of Public Works, shall make provision for paying
2 one-half of the costs of such construction or improvements, the plans and costs for
3 same to be approved by the Secretary of Public Safety and Correctional Services, the
4 Division of Correction, the Department of General Services and the Department of
5 Budget and Management.

6 (e) (1) On a determination by the Secretary that the anticipated
7 confinement of prisoners in a county's local detention center as a result of sentences
8 imposed under § 690(c)(1)(ii) and (iii) of this article would cause the capacity of that
9 detention center to be exceeded, the county may make application to the Secretary for
10 financial assistance for the construction or enlargement of the detention center.

11 (2) For purposes of anticipating prisoner confinement under paragraph
12 (1) of this subsection, the Secretary annually shall review and study each county's
13 local detention center population in conjunction with data relevant to patterns of
14 sentencing and to patterns of geographic distribution of prisoners.

15 (3) (i) Subject to the budget appropriation process, where any county
16 has its plan for construction approved by the Secretary under this subsection, the
17 State shall pay 100 percent of the approved costs for acquisition, construction,
18 architectural and engineering services, and capital equipment, for a new local
19 detention center or expansion in accordance with this subsection.

20 (ii) In the event a county construction plan is disapproved by the
21 Secretary under this subsection, the county may appeal to the Board of Public Works
22 for approval of the construction plan and, if such approval is granted, the State shall
23 pay, subject to the budget appropriation process, 100 percent of the approved costs for
24 acquisition, construction, architectural and engineering services, and capital
25 equipment for a new local detention center or expansion in accordance with this
26 subsection.

27 (4) The plans and costs for the construction or expansion of a local
28 detention center undertaken by a county under this subsection shall be subject to the
29 process and procedures followed by State agencies for requested capital projects and
30 shall be approved by the Secretary of Public Safety and Correctional Services.

31 (f) The Secretary, upon approving facility plans which will necessitate State
32 financial assistance, shall enter into a written agreement with the county or counties
33 involved setting forth the rights, powers, duties and responsibilities of all parties. The
34 agreement may provide for the housing and rehabilitation in a local detention center
35 of prisoners sentenced to State institutions upon conditions agreed on by all parties. A
36 contract may not be approved by the Secretary unless it provides for a periodic review
37 of the facilities and all rehabilitation and training programs of the institution by the
38 Maryland Commission on Correctional Standards and it provides that the facility is
39 in substantial compliance with this Commission's mandatory standards. In the
40 absence of any contractual agreement, court order, or consent decree, prisoners
41 sentenced to the Commissioner of Correction may not be housed in the local detention
42 center awaiting transfer to the Division of Correction more than 30 days.

1 (g) Notwithstanding any other provisions of the Annotated Code of Maryland,
2 a judge of the circuit court for any county or any judge of the District Court may
3 sentence a convicted offender to a local detention center; if the sentence to be then
4 executed is for a period of not more than 18 months and the court imposing the
5 sentence is located within a jurisdiction which is a party to the operation and
6 maintenance of the facility to which the person is sentenced.

7 (h) All agreements, contracts and other instruments approved by the
8 Secretary shall be subject to the approval of the Board of Public Works before final
9 execution.

10 SECTION 2. AND BE IT FURTHER ENACTED, That at the request of any
11 former officer or employee of the Prince George's County Detention Center who
12 accepts employment with the Division of Pretrial Detention and Services on July 1,
13 1999, the State shall provide up to a maximum of 40 days of sick leave and 7 days of
14 annual leave, to the extent earned and unused as an employee of Prince George's
15 County.

16 SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding any
17 other provision of local law, Prince George's County shall pay to every former officer
18 and employee of the Prince George's County Detention Center whose employment was
19 terminated on June 30, 1999, regardless of years of service, any earned and unused
20 sick and annual leave that is not provided by the State in accordance with Section 2
21 of this Act. Leave paid by Prince George's County under this section shall be in
22 accordance with the personnel policies and practices applicable to Prince George's
23 County Detention Center on June 30, 1999.

24 SECTION 4. AND BE IT FURTHER ENACTED, That Prince George's County
25 shall pay to every officer and employee of the Prince George's County Detention
26 Center who accepts employment with the Division of Pretrial Detention and Services
27 on July 1, 1999, but is terminated from employment with the Division of Pretrial
28 Detention and Services on or before December 31, 1999, in accordance with Section 1
29 of this Act any sick leave that was provided to the employee by the State under
30 Section 2 of this Act and not used. Leave paid by Prince George's County under this
31 section shall be in accordance with the personnel policies and practices applicable to
32 the Prince George's County Detention Center on June 30, 1999. At the request of
33 Prince George's County, the Division of Pretrial Detention and Services shall provide
34 to the County information as to the amount of any sick leave used by the employees
35 during their employment with the State from July 1, 1999, to December 31, 1999.

36 SECTION 5. AND BE IT FURTHER ENACTED, That Prince George's County
37 shall pay to the Department of Public Safety and Correctional Services the cost of all
38 annual leave provided by the State to any former officer and employee of the Prince
39 George's County Detention Center under Section 2 of this Act by December 31, 1999.

40 SECTION 6. AND BE IT FURTHER ENACTED, That Prince George's County
41 and the State of Maryland shall establish a process to inform and advise employees of
42 the Prince George's County Detention Center of their employment status and the
43 terms and conditions of employment, if any, with the Division of Pretrial Detention

1 and Services and to offer counseling as to the range of options available. Employees of
2 the Prince George's County Detention Center who will not be employed on July 1,
3 1999, by the Division of Pretrial Detention and Services shall be given 2 weeks
4 advance notice by the Division that they will not be employed on July 1, 1999 by the
5 State. This section may not be construed to create any right of employment with the
6 Division of Pretrial Detention and Services.

7 SECTION 7. AND BE IT FURTHER ENACTED, That this Act does not alter or
8 terminate the State's obligation to Prince George's County, or the County's obligation
9 to the State, with respect to any contract for a capital project awarded prior to June
10 30, 1999, or local jail reimbursement expenses incurred prior to July 1, 1999,
11 including any encumbered balances due.

12 SECTION 8. AND BE IT FURTHER ENACTED, That any Fiscal Year 1999
13 budget deficiency incurred by Prince George's County in the operation of the Prince
14 George's County Detention Center is the sole financial responsibility of the County
15 and is not an obligation of the State.

16 SECTION 9. AND BE IT FURTHER ENACTED, That before July 1, 1999, the
17 Department of Public Safety and Correctional Services shall submit to the
18 Department of Budget and Management for approval a proposed budget for the
19 Division of Pretrial Detention and Services that shows, in the form and detail
20 specified by the Department of Budget and Management, the proposed number and
21 class of positions and proposed apportionment and disbursement of all revenue
22 sources for operating the Prince George's County Detention Center. Except for
23 amendments approved in accordance with § 7-209 of the State Finance and
24 Procurement Article, expenditures and disbursements shall be made in accordance
25 with the approved budget.

26 SECTION 10. AND BE IT FURTHER ENACTED, That notwithstanding any
27 other provision of State or local law, former Prince George's County Detention Center
28 employees, while eligible for health insurance benefits as active State employees, may
29 not receive retiree health insurance benefits from Prince George's County.

30 SECTION 11. AND BE IT FURTHER ENACTED, That if any provision of this
31 Act or the application thereof to any person or circumstance is held invalid for any
32 reason in a court of competent jurisdiction, the invalidity does not affect other
33 provisions or any other application of this Act which can be given effect without the
34 invalid provision or application, and for this purpose the provisions of this Act are
35 declared severable.

36 SECTION 12. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 June 1, 1999.