

HOUSE BILL 1414

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E3

2000 Regular Session
(0lr2978)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Conway, Rawlings, Cadden, Edwards, W. Baker, and Kopp**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services - Juvenile Justice**

3 FOR the purpose of ~~authorizing the Secretary of Juvenile Justice to designate certain~~
4 ~~employees of the State and private vendors to meet the training requirements of~~
5 ~~authorizing requiring the Correctional Training Commission to develop and~~
6 ~~implement a certain program design and a certain course curriculum and~~
7 ~~training for certain employees of the Department of Juvenile Justice and certain~~
8 ~~employees of nonprofit and for-profit entities under contract with the~~
9 ~~Department under certain circumstances; providing that the Secretary of~~
10 ~~Juvenile Justice may establish eligibility requirements for certain employees~~
11 ~~stating a certain finding of the General Assembly; altering the membership and~~
12 ~~appointment of certain members of the Correctional Training Commission;~~
13 ~~requiring the Commission to elect annually a chairperson; altering the~~
14 ~~appointment of certain employees of the Commission; requiring the Commission~~
15 ~~to establish certain qualifications for certain appointment as a certain~~
16 ~~employee; altering a certain definition; defining a certain term; and generally~~

1 relating to the Department of Juvenile Justice and the Correctional Training
2 Commission.

3 ~~BY repealing and reenacting, with amendments,~~
4 ~~Article 83C—Juvenile Justice~~
5 ~~Section 2-129~~
6 ~~Annotated Code of Maryland~~
7 ~~(1998 Replacement Volume and 1999 Supplement)~~

8 BY repealing and reenacting, with amendments,
9 Article - Correctional Services
10 Section 8-201, 8-202, 8-204, ~~8-208, 8-205, 8-206, 8-208, and 8-209, and 8-210~~
11 Annotated Code of Maryland
12 (1999 Volume)

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

15 ~~Article 83C—Juvenile Justice~~

16 ~~2-129.~~

17 ~~In cooperation with the Secretary of Budget and Management, the Secretary~~
18 ~~shall:~~

19 (1) ~~Set minimum salaries, qualifications, and standards of training and~~
20 ~~experience for the positions in the Department; [and]~~

21 (2) ~~DESIGNATE CERTAIN EMPLOYEES OR CATEGORIES OF EMPLOYEES~~
22 ~~WHO MUST MEET THE TRAINING REQUIREMENTS OF THE MARYLAND~~
23 ~~CORRECTIONAL TRAINING COMMISSION; AND~~

24 ~~[(2)] (3) For officers and employees who desire training in addition to~~
25 ~~in-service training and whose service records show merit, provide:~~

26 (i) ~~Educational subsidies, scholarships, and stipends; and~~

27 (ii) ~~Institutes, conferences, and classes.~~

28 **Article - Correctional Services**

29 8-201.

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

31 (b) "Approved correctional training school" means a school authorized by the
32 Commission to offer training programs as provided under this subtitle.

33 (c) "Commission" means the Correctional Training Commission.

1 (d) "Correctional administrator" means a correctional officer who has been
2 promoted from a supervisory rank to first-line administrative duties.

3 (e) (1) "Correctional officer" means:

4 ~~(1)~~ a member of a correctional unit whose duties relate to the
5 investigation, care, custody, control, or supervision of inmates and individuals who:

6 ~~{(i)}~~ ~~1-~~ have been placed on parole or mandatory supervision;

7 ~~{(ii)}~~ ~~2-~~ have been placed on probation; or

8 ~~{(iii)}~~ ~~3-~~ have received a suspended sentence; ~~AND~~

9 ~~(II) YOUTH SUPERVISORS AND OTHER DIRECT CARE WORKERS AND~~
10 ~~OTHER DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE JUSTICE~~
11 ~~WHOSE DUTIES RELATE TO THE CARE AND CUSTODY AND SUPERVISION OF MINORS,~~
12 ~~JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS THAT HAVE BEEN~~
13 ~~COMMITTED, HAVE BEEN DETAINED, ARE AWAITING PLACEMENT, OR HAVE BEEN~~
14 ~~ADJUDICATED DELINQUENT, WHO ARE REQUIRED BY THE SECRETARY OF JUVENILE~~
15 ~~JUSTICE TO MEET THE TRAINING REQUIREMENTS OF THE COMMISSION.~~

16 (2) "Correctional officer" does not include:

17 (i) the head or deputy head of a correctional unit; or

18 (ii) a sheriff, warden, or superintendent or an individual with an
19 equivalent title who is appointed or employed by a unit of government to exercise
20 equivalent supervisory authority.

21 (f) "Correctional supervisor" means a correctional officer who has been
22 promoted to first-line supervisory duties.

23 (g) (1) "Correctional unit" means a unit of State, county, or municipal
24 government that is responsible under a statute, ordinance, or court order for the
25 investigation, care, custody, control, and supervision of inmates and individuals who:

26 (i) have been placed on parole or mandatory supervision;

27 (ii) have been placed on probation; or

28 (iii) have received a suspended sentence.

29 (2) "Correctional unit" [does not include] INCLUDES THOSE FACILITIES
30 AS SET FORTH IN ARTICLE 83C, § 2-117 AND OTHER FACILITIES AS DESIGNATED BY
31 the [Department] SECRETARY of Juvenile Justice.

32 (H) (1) "DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE" MEANS A YOUTH
33 SUPERVISOR, YOUTH COUNSELOR, DIRECT CARE WORKER, OR OTHER EMPLOYEE OF
34 THE DEPARTMENT OF JUVENILE JUSTICE WHOSE EMPLOYMENT RESPONSIBILITY IS
35 THE INVESTIGATION, CUSTODY, CONTROL, OR SUPERVISION OF MINORS, JUVENILE

1 DELINQUENTS, AND YOUTHFUL OFFENDERS WHO ARE COMMITTED, DETAINED,
2 AWAITING PLACEMENT, ADJUDICATED DELINQUENT, OR ARE OTHERWISE UNDER
3 THE SUPERVISION OF THE DEPARTMENT OF JUVENILE JUSTICE.

4 (2) "DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE" INCLUDES AN
5 EMPLOYEE OF ANY NONPROFIT OR FOR-PROFIT ENTITY UNDER CONTRACT WITH
6 THE DEPARTMENT OF JUVENILE JUSTICE WHOSE EMPLOYMENT RESPONSIBILITY IS
7 THE INVESTIGATION, CUSTODY, CONTROL, OR SUPERVISION OF MINORS, JUVENILE
8 DELINQUENTS, AND YOUTHFUL OFFENDERS AS DESCRIBED UNDER PARAGRAPH (1)
9 OF THIS SUBSECTION.

10 (h) (I) "Permanent appointment" means an appointment that has
11 permanent status.

12 8-202.

13 The General Assembly finds that:

14 (1) there is a need to improve the administration of the correctional
15 system to better protect the health, safety, and welfare of the public;

16 (2) the ultimate goal of the correctional system is to make the
17 community safer by reducing the incidence of crime;

18 (3) establishing a correctional system with significantly increased power
19 to reduce recidivism and prevent recruitment into criminal careers will require a
20 sufficient number of qualified staff to perform the many tasks to be done;

21 (4) recent studies have revealed that greater training for correctional
22 work is highly desirable;

23 (5) the need for training can be substantially met by creating
24 educational and training programs for individuals seeking careers as correctional
25 officers;

26 (6) while serving in a probationary capacity, a correctional officer should
27 be required to receive efficient training provided at facilities that are approved by a
28 commission that is authorized to approve training facilities; [and]

29 (7) by qualifying and becoming proficient in the field of corrections,
30 correctional officers shall individually and collectively better insure the health, safety,
31 and welfare of the public; AND

32 (8) ~~CORRECTIONAL OFFICERS RESPONSIBLE FOR THE CARE AND~~
33 ~~CUSTODY AND SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL~~
34 ~~OFFENDERS THAT HAVE BEEN COMMITTED, HAVE BEEN DETAINED, ARE AWAITING~~
35 ~~PLACEMENT, OR HAVE BEEN ADJUDICATED~~ DEPARTMENT OF JUVENILE JUSTICE
36 EMPLOYEES SHOULD HAVE SPECIFIC AND APPROPRIATE TRAINING FOR THAT
37 POPULATION.

1 8-204.

2 (a) The Commission consists of the following [12] 14 members:

3 (1) the ~~Deputy~~ Secretary of Public Safety and Correctional Services;

4 (2) ~~THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S~~
5 ~~DESIGNEE AND ONE OTHER OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF~~
6 ~~JUVENILE JUSTICE APPOINTED PURSUANT TO SUBSECTION (C)(1) OF THIS SECTION;~~

7 [(2)] (3) the Director of the Division of Parole and Probation;

8 [(3)] (4) the Commissioner of Correction;

9 [(4)] (5) the president of the Maryland Correctional Administrators
10 Association;

11 [(5)] (6) the president of the Maryland Sheriffs Association;

12 [(6)] (7) the president of the Maryland Criminal Justice Association;

13 [(7)] (8) a representative of the Federal Bureau of Prisons, designated
14 by its Director;

15 [(8)] (9) the Attorney General of the State;

16 [(9)] (10) the president of a university or college in the State with a
17 correctional education curriculum, appointed by the Maryland Higher Education
18 Commission; and

19 [(10)] (11) ~~three~~ FOUR correctional officers or officials of the State
20 appointed under subsection (b) of this section.

21 (b) (1) ~~With the approval of the~~ THE Governor, ~~the Secretary shall appoint~~
22 ~~three~~ SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, FOUR
23 correctional officers or officials to be members of the Commission, AT LEAST ONE OF
24 WHOM SHALL BE A DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE OR OFFICIAL.

25 (2) The ~~three~~ FOUR members appointed under paragraph (1) of this
26 subsection shall represent different geographic areas of the State.

27 (3) The term of a member who is appointed under paragraph (1) of this
28 subsection is 3 years.

29 (4) The terms of the members who are appointed under paragraph (1) of
30 this subsection are staggered as required by the terms provided for members of the
31 Commission on October 1, 1999.

32 (5) (i) At the end of a term, a member who was appointed under
33 paragraph (1) of this subsection continues to serve until a successor is appointed and
34 qualifies.

1 (ii) A member who is appointed after a term has begun serves only
2 for the remainder of the term and until a successor is appointed and qualifies.

3 (C) (1) ~~WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY OF THE~~
4 ~~DEPARTMENT OF JUVENILE JUSTICE SHALL APPOINT ONE EMPLOYEE OR OFFICIAL~~
5 ~~OF THE DEPARTMENT OF JUVENILE JUSTICE TO BE A MEMBER OF THE COMMISSION.~~

6 (2) ~~THE TERM OF A MEMBER WHO IS APPOINTED UNDER PARAGRAPH (1)~~
7 ~~OF THIS SUBSECTION IS 3 YEARS.~~

8 (3) ~~THE TERM OF THE MEMBER WHO IS APPOINTED UNDER PARAGRAPH~~
9 ~~(1) OF THIS SUBSECTION IS STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR~~
10 ~~MEMBERS OF THE COMMISSION ON OCTOBER 1, 2000.~~

11 (4) (I) ~~AT THE END OF A TERM, A MEMBER WHO WAS APPOINTED~~
12 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION CONTINUES TO SERVE UNTIL A~~
13 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

14 (H) ~~A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~
15 ~~SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS~~
16 ~~APPOINTED AND QUALIFIES.~~

17 (c) (D) Except for the ~~three~~ FOUR members appointed by the ~~Secretary~~
18 GOVERNOR under subsection (b) of this section, a member of the Commission may
19 serve personally at a Commission meeting or designate a representative from the
20 member's unit or association who may act at any meeting to the same effect as if the
21 member were personally present.

22 ~~§ 205.~~

23 (a) ~~[The Deputy Secretary of Public Safety and Correctional Services or the~~
24 ~~Deputy Secretary's representative is the chairperson of the Commission] THE~~
25 ~~COMMISSION SHALL ELECT ANNUALLY A CHAIRPERSON FROM AMONG ITS~~
26 ~~MEMBERS.~~

27 (b) ~~The Commission shall elect annually a vice chairperson from among its~~
28 ~~members.~~

29 ~~§ 206.~~

30 (a) (1) ~~[With the approval of the Secretary, the] THE Commission shall~~
31 ~~appoint an Executive Director.~~

32 (2) ~~The Executive Director shall perform general administrative~~
33 ~~functions.~~

34 (3) ~~The Executive Director serves at the pleasure of the Commission.~~

1 ~~(b) (1) [With the approval of the Secretary, the] THE Commission shall~~
2 ~~appoint a Deputy Director and any other employees that the Commission considers~~
3 ~~necessary to perform general administrative and training management functions.~~

4 ~~(2) The Deputy Director and other employees appointed under~~
5 ~~paragraph (1) of this subsection shall serve at the pleasure of the Commission.~~

6 ~~(c) [With the approval of the Secretary, the] THE Commission shall employ~~
7 ~~other individuals as necessary to carry out this subtitle.~~

8 ~~(d) The Executive Director, the Deputy Director, and other employees of the~~
9 ~~Commission are entitled to receive compensation as established by the Commission in~~
10 ~~accordance with the State budget.~~

11 8-208.

12 (A) ~~Subject to the authority of the Secretary, the~~ THE ~~Subject to the authority~~
13 ~~of the Secretary, the~~ Commission has the following powers and duties:

14 (1) to prescribe standards for the approval and continuation of approval
15 of schools that conduct correctional, parole, or probation entrance level and in-service
16 training courses required by the Commission, including State, regional, county, and
17 municipal training schools;

18 (2) to approve and issue certificates of approval to correctional training
19 schools;

20 (3) to inspect correctional training schools;

21 (4) to revoke, for cause, any approval or certificate of approval issued to
22 a correctional training school;

23 (5) to prescribe the following for correctional training schools:

24 (i) curriculum;

25 (ii) courses of study;

26 (iii) attendance requirements;

27 (iv) eligibility requirements;

28 (v) equipment and facilities;

29 (vi) standards of operation; and

30 (vii) minimum qualifications for instructors;

31 (6) to certify and issue appropriate certificates to qualified instructors
32 for approved correctional training schools;

1 (7) to certify and issue appropriate certificates to correctional officers
2 who have satisfactorily completed training programs;

3 (8) to conduct and operate approved correctional training schools;

4 (9) to adopt regulations necessary to carry out this subtitle, including
5 regulations that establish and enforce standards for prior substance abuse by
6 individuals applying for certification as a correctional officer;

7 (10) to make a continuous study of correctional training methods and
8 procedures for all correctional training schools;

9 (11) to consult with and accept the cooperation of any recognized federal,
10 State, or municipal correctional agency or educational institution;

11 (12) to consult and cooperate with universities, colleges, and institutions
12 to develop all general and specialized courses of study for correctional officers;

13 (13) to consult and cooperate with other units of the State concerned with
14 correctional training; [and]

15 (14) SUBJECT TO SUBSECTION (B) OF THIS SECTION, TO DEVELOP AND
16 IMPLEMENT SPECIFIC PROGRAM DESIGN AND APPROPRIATE COURSE CURRICULUM
17 AND TRAINING FOR CORRECTIONAL OFFICERS HAVING CARE AND CUSTODY AND
18 SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS
19 THAT HAVE BEEN COMMITTED, HAVE BEEN DETAINED, ARE AWAITING PLACEMENT,
20 OR HAVE BEEN ADJUDICATED DELINQUENT DEPARTMENT OF JUVENILE JUSTICE
21 EMPLOYEES; AND

22 (15) to perform any other act that is necessary or appropriate to carry out
23 this subtitle.

24 (B) FOR ANY CONTRACT ENTERED ON OR AFTER JULY 1, 2000 BETWEEN THE
25 DEPARTMENT OF JUVENILE JUSTICE AND ANY NONPROFIT OR FOR-PROFIT ENTITY,
26 THE COST AND EXPENSES FOR ANY COURSE OR TRAINING REQUIRED UNDER
27 SUBSECTION (A)(14) OF THIS SECTION FOR DEPARTMENT OF JUVENILE JUSTICE
28 EMPLOYEES OF ANY NONPROFIT OR FOR-PROFIT ENTITY UNDER CONTRACT WITH
29 THE DEPARTMENT OF JUVENILE JUSTICE SHALL BE PAID FOR OR REIMBURSED BY
30 THE NONPROFIT OR FOR-PROFIT ENTITY, AND MAY NOT BE A PART OF OR
31 REIMBURSED BY FUNDS FROM THE CONTRACT WITH THE DEPARTMENT OF
32 JUVENILE JUSTICE.

33 8-209.

34 (a) ~~{An} EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN~~
35 individual may not be given or accept a probationary or permanent appointment as
36 correctional officer, correctional supervisor, or correctional administrator unless the
37 individual satisfactorily meets minimum qualifications established by the
38 Commission.

1 (b) A probationary appointment as a correctional officer, correctional
2 supervisor, or correctional administrator may be made for no more than 1 year for the
3 purpose of enabling the individual seeking permanent appointment to take a training
4 course prescribed by the Commission.

5 (c) A probationary appointee is entitled to a leave of absence with pay during
6 the period of the training program.

7 (D) ~~FOR DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE~~
8 ~~JUSTICE AND ANY NONPROFIT OR FOR PROFIT ENTITY WHICH IS UNDER CONTRACT~~
9 ~~TO THE DEPARTMENT OF JUVENILE JUSTICE, THE SECRETARY OF JUVENILE~~
10 ~~JUSTICE THE COMMISSION SHALL ESTABLISH THE MINIMUM QUALIFICATIONS FOR~~
11 ~~PROBATIONARY OR PERMANENT APPOINTMENT AS A CORRECTIONAL OFFICER, AS~~
12 ~~DEFINED IN § 8-201 DEPARTMENT OF JUVENILE JUSTICE EMPLOYEE.~~

13 ~~8-210.~~

14 ~~Except as expressly provided in this subtitle, this subtitle does not limit the~~
15 ~~powers, rights, duties, or responsibilities of a municipal or county government OR THE~~
16 ~~SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE.~~

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 July 1, 2000.