

SENATE BILL 890

Unofficial Copy
E3

2000 Regular Session
0lr2391
CF 0lr2978

By: **Senator Bromwell**

Introduced and read first time: March 2, 2000

Assigned to: Rules

A BILL ENTITLED

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 the Correctional Training Commission; providing that the Secretary of Juvenile
6 Justice may establish eligibility requirements for certain employees; altering
7 the membership of the Correctional Training Commission; and generally
8 relating to the Department of Juvenile Justice and the Correctional Training
9 Commission.

10 BY repealing and reenacting, with amendments,
11 Article 83C - Juvenile Justice
12 Section 2-129
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Correctional Services
17 Section 8-201, 8-202, 8-204, 8-208, 8-209, and 8-210
18 Annotated Code of Maryland
19 (1999 Volume)

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

22 **Article 83C - Juvenile Justice**

23 2-129.

24 In cooperation with the Secretary of Budget and Management, the Secretary
25 shall:

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

1 (2) DESIGNATE CERTAIN EMPLOYEES OR CATEGORIES OF EMPLOYEES
2 WHO MUST MEET THE TRAINING REQUIREMENTS OF THE MARYLAND
3 CORRECTIONAL TRAINING COMMISSION; AND

4 [(2)] (3) For officers and employees who desire training in addition to
5 in-service training and whose service records show merit, provide:

6 (i) Educational subsidies, scholarships, and stipends; and

7 (ii) Institutes, conferences, and classes.

8 **Article - Correctional Services**

9 8-201.

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

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

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

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

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

17 (I) a member of a correctional unit whose duties relate to the
18 investigation, care, custody, control, or supervision of inmates and individuals who:

19 [(i)] 1. have been placed on parole or mandatory supervision;

20 [(ii)] 2. have been placed on probation; or

21 [(iii)] 3. have received a suspended sentence; AND

22 (II) YOUTH SUPERVISORS AND OTHER DIRECT CARE WORKERS AND
23 OTHER DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE JUSTICE
24 WHOSE DUTIES RELATE TO THE CARE AND CUSTODY AND SUPERVISION OF MINORS,
25 JUVENILE DELINQUENTS, AND YOUTHFUL OFFENDERS THAT HAVE BEEN
26 COMMITTED, HAVE BEEN DETAINED, ARE AWAITING PLACEMENT, OR HAVE BEEN
27 ADJUDICATED DELINQUENT, WHO ARE REQUIRED BY THE SECRETARY OF JUVENILE
28 JUSTICE TO MEET THE TRAINING REQUIREMENTS OF THE COMMISSION.

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

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

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

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

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

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

7 (ii) have been placed on probation; or

8 (iii) have received a suspended sentence.

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

12 (h) "Permanent appointment" means an appointment that has permanent
13 status.

14 8-202.

15 The General Assembly finds that:

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

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

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

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

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

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

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

34 (8) CORRECTIONAL OFFICERS RESPONSIBLE FOR THE CARE AND
35 CUSTODY AND SUPERVISION OF MINORS, JUVENILE DELINQUENTS, AND YOUTHFUL

1 OFFENDERS THAT HAVE BEEN COMMITTED, HAVE BEEN DETAINED, ARE AWAITING
2 PLACEMENT, OR HAVE BEEN ADJUDICATED SHOULD HAVE SPECIFIC AND
3 APPROPRIATE TRAINING FOR THAT POPULATION.

4 8-204.

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

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

7 (2) THE SECRETARY OF JUVENILE JUSTICE OR THE SECRETARY'S
8 DESIGNEE AND ONE OTHER OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF
9 JUVENILE JUSTICE APPOINTED PURSUANT TO SUBSECTION (C)(1) OF THIS SECTION;

10 [(2)] (3) the Director of the Division of Parole and Probation;

11 [(3)] (4) the Commissioner of Correction;

12 [(4)] (5) the president of the Maryland Correctional Administrators
13 Association;

14 [(5)] (6) the president of the Maryland Sheriffs Association;

15 [(6)] (7) the president of the Maryland Criminal Justice Association;

16 [(7)] (8) a representative of the Federal Bureau of Prisons, designated
17 by its Director;

18 [(8)] (9) the Attorney General of the State;

19 [(9)] (10) the president of a university or college in the State with a
20 correctional education curriculum, appointed by the Maryland Higher Education
21 Commission; and

22 [(10)] (11) three correctional officers or officials of the State appointed
23 under subsection (b) of this section.

24 (b) (1) With the approval of the Governor, the Secretary shall appoint three
25 correctional officers or officials to be members of the Commission.

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

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

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

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

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

6 (C) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY OF THE
7 DEPARTMENT OF JUVENILE JUSTICE SHALL APPOINT ONE EMPLOYEE OR OFFICIAL
8 OF THE DEPARTMENT OF JUVENILE JUSTICE TO BE A MEMBER OF THE COMMISSION.

9 (2) THE TERM OF A MEMBER WHO IS APPOINTED UNDER PARAGRAPH (1)
10 OF THIS SUBSECTION IS 3 YEARS.

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

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

17 (II) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN
18 SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS
19 APPOINTED AND QUALIFIES.

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

25 8-208.

26 Subject to the authority of the Secretary, the Commission has the following
27 powers and duties:

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

32 (2) to approve and issue certificates of approval to correctional training
33 schools;

34 (3) to inspect correctional training schools;

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

- 1 (5) to prescribe the following for correctional training schools:
- 2 (i) curriculum;
- 3 (ii) courses of study;
- 4 (iii) attendance requirements;
- 5 (iv) eligibility requirements;
- 6 (v) equipment and facilities;
- 7 (vi) standards of operation; and
- 8 (vii) minimum qualifications for instructors;
- 9 (6) to certify and issue appropriate certificates to qualified instructors
10 for approved correctional training schools;
- 11 (7) to certify and issue appropriate certificates to correctional officers
12 who have satisfactorily completed training programs;
- 13 (8) to conduct and operate approved correctional training schools;
- 14 (9) to adopt regulations necessary to carry out this subtitle, including
15 regulations that establish and enforce standards for prior substance abuse by
16 individuals applying for certification as a correctional officer;
- 17 (10) to make a continuous study of correctional training methods and
18 procedures for all correctional training schools;
- 19 (11) to consult with and accept the cooperation of any recognized federal,
20 State, or municipal correctional agency or educational institution;
- 21 (12) to consult and cooperate with universities, colleges, and institutions
22 to develop all general and specialized courses of study for correctional officers;
- 23 (13) to consult and cooperate with other units of the State concerned with
24 correctional training; [and]
- 25 (14) **TO DEVELOP AND IMPLEMENT SPECIFIC PROGRAM DESIGN AND**
26 **APPROPRIATE COURSE CURRICULUM AND TRAINING FOR CORRECTIONAL OFFICERS**
27 **HAVING CARE AND CUSTODY AND SUPERVISION OF MINORS, JUVENILE**
28 **DELINQUENTS, AND YOUTHFUL OFFENDERS THAT HAVE BEEN COMMITTED, HAVE**
29 **BEEN DETAINED, ARE AWAITING PLACEMENT, OR HAVE BEEN ADJUDICATED**
30 **DELINQUENT; AND**
- 31 (15) to perform any other act that is necessary or appropriate to carry out
32 this subtitle.

1 8-209.

2 (a) [An] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN
3 individual may not be given or accept a probationary or permanent appointment as
4 correctional officer, correctional supervisor, or correctional administrator unless the
5 individual satisfactorily meets minimum qualifications established by the
6 Commission.

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

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

13 (D) FOR DESIGNATED EMPLOYEES OF THE DEPARTMENT OF JUVENILE
14 JUSTICE AND ANY NONPROFIT OR FOR PROFIT ENTITY WHICH IS UNDER CONTRACT
15 TO THE DEPARTMENT OF JUVENILE JUSTICE, THE SECRETARY OF JUVENILE
16 JUSTICE SHALL ESTABLISH THE MINIMUM QUALIFICATIONS FOR PROBATIONARY OR
17 PERMANENT APPOINTMENT AS A CORRECTIONAL OFFICER AS DEFINED IN § 8-201.

18 8-210.

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

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