

HOUSE BILL 1096

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E4

2003 Regular Session
3lr2485
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By: **Delegate Boschert**

Introduced and read first time: February 24, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Training Commission**

3 FOR the purpose of removing the Correctional Training Commission from the
4 Department of Public Safety and Correctional Services to become an
5 independent unit in the Executive Department; repealing certain authority of
6 the Secretary of Public Safety and Correctional Services; altering provisions
7 relating to the composition of the Commission and the election of the
8 chairperson of the Commission; providing for the continuity of the terms of office
9 of certain appointed or elected persons; providing for the continuity of certain
10 transactions, rights, duties, and interests; providing for the continuity of the
11 status of certain rules, regulations, and other associated duties and
12 responsibilities affected by this Act; providing for the continuity of the
13 Commission and its personnel, records, property, and all appropriations, credits,
14 assets, liabilities, and obligations; requiring the Governor to continue to
15 appropriate certain funds to the Commission that were previously budgeted
16 through the Department of Public Safety and Correctional Services; providing
17 for the continuity of certain persons and schools certified by the Commission;
18 and generally relating to the Correctional Training Commission.

19 BY repealing and reenacting, without amendments,
20 Article - Correctional Services
21 Section 1-101(a) and (f) and 8-204
22 Annotated Code of Maryland
23 (1999 Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Correctional Services
26 Section 2-201, 8-203, and 8-205 through 8-208, inclusive
27 Annotated Code of Maryland
28 (1999 Volume and 2002 Supplement)

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

1

Article - Correctional Services

2 1-101.

3 (a) In this article the following words have the meanings indicated.

4 (f) "Department" means the Department of Public Safety and Correctional
5 Services.

6 2-201.

7 The following units are in the Department:

- 8 (1) the Division of Correction;
- 9 (2) the Division of Parole and Probation;
- 10 (3) the Division of Pretrial Detention and Services;
- 11 (4) the Patuxent Institution;
- 12 (5) the Board of Review for Patuxent Institution;
- 13 (6) the Maryland Commission on Correctional Standards;
- 14 (7) [the Correctional Training Commission;
- 15 (8)] the Police Training Commission;
- 16 [(9)] (8) the Maryland Parole Commission;
- 17 [(10)] (9) the Criminal Injuries Compensation Board;
- 18 [(11)] (10) the Emergency Number Systems Board;
- 19 [(12)] (11) the Sundry Claims Board;
- 20 [(13)] (12) the Inmate Grievance Office; and
- 21 [(14)] (13) any other unit that by law is declared to be part of the
22 Department.

23 8-203.

24 There is a Correctional Training Commission, WHICH IS AN INDEPENDENT UNIT
25 in the EXECUTIVE Department.

26 8-204.

27 (a) The Commission consists of the following 14 members:

- 28 (1) the Secretary of Public Safety and Correctional Services;

- 1 (2) the Secretary of Juvenile Justice;
- 2 (3) the Director of the Division of Parole and Probation;
- 3 (4) the Commissioner of Correction;
- 4 (5) the president of the Maryland Correctional Administrators
5 Association;
- 6 (6) the president of the Maryland Sheriffs Association;
- 7 (7) the president of the Maryland Criminal Justice Association;
- 8 (8) a representative of the Federal Bureau of Prisons, designated by its
9 Director;
- 10 (9) the Attorney General of the State;
- 11 (10) the president of a university or college in the State with a
12 correctional education curriculum, appointed by the Maryland Higher Education
13 Commission; and

14 (11) four correctional officers or officials of the State appointed under
15 subsection (b) of this section.

16 (b) (1) The Governor shall appoint, with the advice and consent of the
17 Senate, four correctional officers or officials to be members of the Commission, at
18 least one of whom shall be a Department of Juvenile Justice employee or official.

19 (2) The four members appointed under paragraph (1) of this subsection
20 shall represent different geographic areas of the State.

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

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

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

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

31 (c) Except for the four members appointed by the Governor under subsection
32 (b) of this section, a member of the Commission may serve personally at a
33 Commission meeting or designate a representative from the member's unit or
34 association who may act at any meeting to the same effect as if the member were
35 personally present.

1 8-205.

2 [(a) The Secretary of Public Safety and Correctional Services or the Secretary's
3 representative is the chairperson of the Commission.

4 (b)] The Commission shall elect annually a CHAIRPERSON AND vice
5 chairperson from among its members.

6 8-206.

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

9 (2) The Executive Director shall perform general administrative
10 functions.

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

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

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

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

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

22 8-207.

23 (a) The Commission shall meet in the State at the times determined by:

24 (1) a majority of the authorized membership of the Commission; OR

25 (2) the chairperson of the Commission[; or

26 (3) the Secretary].

27 (b) A majority of the authorized membership of the Commission is a quorum.

28 (c) A member of the Commission:

29 (1) may not receive compensation for service on the Commission; but

30 (2) is entitled to reimbursement for expenses under the Standard State
31 Travel Regulations, as provided in the State budget.

1 (d) The Commission shall:

2 (1) maintain minutes of its meetings and any other records that it
3 considers necessary; and

4 (2) provide information, on request, regarding the budget, activities, and
5 programs of the Commission.

6 8-208.

7 (a) [Subject to the authority of the Secretary, the] THE Commission has the
8 following powers and duties:

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

13 (2) to approve and issue certificates of approval to correctional training
14 schools;

15 (3) to inspect correctional training schools;

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

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

19 (i) curriculum;

20 (ii) courses of study;

21 (iii) attendance requirements;

22 (iv) eligibility requirements;

23 (v) equipment and facilities;

24 (vi) standards of operation; and

25 (vii) minimum qualifications for instructors;

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

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

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

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

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

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

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

10 (13) to consult and cooperate with other units of the State concerned with
11 correctional training;

12 (14) subject to subsection (b) of this section, to develop and implement
13 specific program design and appropriate course curriculum and training for
14 Department of Juvenile Justice employees; and

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

17 (b) For any contract entered on or after July 1, 2000 between the Department
18 of Juvenile Justice and any nonprofit or for-profit entity, the cost and expenses for
19 any course or training required under subsection (a)(14) of this section for
20 Department of Juvenile Justice employees of any nonprofit or for-profit entity under
21 contract with the Department of Juvenile Justice shall be paid for or reimbursed by
22 the nonprofit or for-profit entity, and may not be a part of or reimbursed by funds
23 from the contract with the Department of Juvenile Justice.

24 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act affects
25 the term of office of an appointed or elected member of any board, commission,
26 committee, or other unit. An individual who is a member of a unit on the effective date
27 of this Act shall remain a member for the balance of the term to which appointed or
28 elected unless the member sooner dies, resigns, or is removed under provisions of law.

29 SECTION 3. AND BE IT FURTHER ENACTED, That any transaction affected
30 by or flowing from any statute here amended, repealed, or transferred, and validly
31 entered into before the effective date of this Act and every right, duty, or interest
32 flowing from it remains valid after the effective date and may be terminated,
33 completed, consummated, or enforced pursuant to law.

34 SECTION 4. AND BE IT FURTHER ENACTED, That any rules and
35 regulations, standards, guidelines, orders and other directives, forms, plans,
36 memberships, funds, appropriations, contracts, properties, administrative and
37 judicial proceedings, rights to sue and be sued, and other duties and responsibilities
38 associated with those functions affected by this Act shall continue in effect until
39 completed, withdrawn, canceled, modified, or otherwise changed in accordance with
40 law.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the continuity of the
2 Correctional Training Commission is retained. The personnel, records, files,
3 furniture, fixtures, and other properties and all appropriations, credits, assets,
4 liabilities, and obligations of the Correctional Training Commission are continued as
5 the personnel, records, files, furniture, fixtures, appropriations, credits, assets,
6 liabilities, and obligations of the Correctional Training Commission under the laws
7 enacted by this Act.

8 SECTION 6. AND BE IT FURTHER ENACTED, That the Governor shall
9 appropriate general, special, and federal funds that were previously budgeted to the
10 Correctional Training Commission through the Department of Public Safety and
11 Correctional Services to the Correctional Training Commission.

12 SECTION 7. AND BE IT FURTHER ENACTED, That any person or school
13 issued a certificate by the Correctional Training Commission is considered for all
14 purposes to be continued under this Act for the duration of the term for which the
15 certificate was issued unless otherwise provided by law.

16 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2003.