

SENATE BILL 736

Unofficial Copy  
E4

2003 Regular Session  
3lr2486  
CF 3lr2485

---

By: **Senator Jimeno**  
Introduced and read first time: February 27, 2003  
Assigned to: Rules

---

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.