

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**

Senate Bill 736

(Senator Jimeno)

Judicial Proceedings

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**Correctional Training Commission**

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This bill removes the Correctional Training Commission from the Department of Public Safety and Correctional Services (DPSCS) and establishes it as an independent unit in the Executive Department. The bill repeals a provision designating the Secretary of Public Safety and Correctional Services as the commission chair and provides for the annual election of a chair from among the commission membership. The bill eliminates all current approval authority of the Secretary over responsibilities of the commission.

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**Fiscal Summary**

**State Effect:** Potential general fund expenditure increase for the Executive Department of about \$297,866 in FY 2004, which accounts for the bill's October 1, 2003 effective date, and is attributable to the creation of four new positions. Future year expenditures could grow to \$471,278 by FY 2008, which reflect annualization and inflation.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The bill also provides for: (1) the continuity of the terms of office of the commission members; (2) the validity of any transaction entered into prior to October 1, 2003; (3) the continuity of the status of certain rules, regulations, and other associated duties and responsibilities affected by these provisions; and (4) the continuity of the commission and its personnel, records, property, and all appropriations, credits, assets,

liabilities, and obligations. The Governor is required to continue to appropriate general, special, and federal funds to the commission that were previously budgeted through DPSCS. Any certification of a person or school by the commission is continued.

**Current Law:** The Correctional Training Commission is a statutory agency within DPSCS. Its membership consists of the following 14 persons: (1) the Secretary of Public Safety and Correctional Services; (2) the Secretary of Juvenile Justice; (3) the Director of the Division of Parole and Probation; (4) the Commissioner of Correction; (5) the President of the Maryland Correctional Administrators Association; (6) the President of the Maryland Sheriffs Association; (7) the president of the Maryland Criminal Justice Association; (8) a representative of the Federal Bureau of Prisons; (9) the Attorney General; (10) the president of a university or college in the State with a correctional education curriculum; and (11) four correctional officers or officials of the State.

The Correctional Training Commission prescribes minimum selection and training standards for parole and probation, juvenile justice, and correctional personnel serving in State and county agencies. The commission also trains correctional officers for State, county, and municipal agencies. All correctional officers are certified by the agency to ensure that they meet the agency's specified standards.

**Background:** The Police Training Commission and the Correctional Training Commission are separate entities under DPSCS. The Police Training Commission was formed by legislative action in 1966; the Correctional Training Commission was formed in 1971. The composition, authority, and responsibilities are set forth in statute. The commissions are served by a single executive director and agency staff, which are referred to jointly as the Police and Correctional Training Commission (PCTC).

Subject to the authority of the Secretary of Public Safety and Correctional Services, PCTC provides staffing and administrative services to the two commissions. In addition, PCTC provides firearms safety, crime prevention, and drug resistance education programs to Maryland businesses, schools, and citizens and has been given a primary role in the statewide study of race-based traffic stops.

PCTC also operates the Public Safety Training Center. The training center is designed to enhance the efforts of certified academies and in-service training programs by providing specialized training facilities and curricula. The training center comes online October 1, 2003.

The Governor's fiscal 2004 allowance for PCTC includes 59 regular positions and 31.95 contractual full-time equivalent positions.

The Law Enforcement and Correctional Training Fund is a special fund used to fund law enforcement and correctional training capital projects. The fund is also permitted to be used for operations of PCTC. Money from the fund may not be used to supplant the operating budget of the Police Training Commission or the Correctional Training Commission. The Budget Reconciliation and Financing Act of 2002 deleted \$3.2 million in special fund PAYGO appropriations in the allowance for the Public Safety Training Center in favor of possible bond funding. Use of the fund for PCTC operations saved \$3.2 million in general funds in fiscal 2003.

Separate cross filed bills (SB 737/HB 1095) propose to remove the Police Training Commission from DPSCS to also become an independent unit in the Executive Department. However, Legislative Services understands that the intent of this bill and the other legislative proposal is to establish the two commissions as a single Executive Department entity, using the same current administrative resources. This fiscal note addresses the transfer of the Correctional Training Commission from DPSCS to the Executive Department, as well as such a shift for both commissions, jointly.

**State Fiscal Effect:** The inherent difficulty in determining the fiscal impact of this bill involves the fact that the Correctional Training Commission is, for administrative and policy matters, handled as a single budget item with the Police Training Commission. DPSCS believes that the two commissions are so interrelated that determining an operating budget impact related to separation of the commissions is “almost impossible.”

In any case, the Governor’s fiscal 2004 budget allowance for the two commissions as a single budgetary entity reflects offsetting revenues and expenditures as follows:

**Police and Correctional Training Commissions  
Fiscal 2004 Budget Allowance**

General funds	\$985,774
Special funds	5,595,296
Reimbursable funds	<u>217,714</u>
 <b>Total</b>	 <b>\$6,798,784</b>

PCTC special fund revenues and expenditures of \$5,595,296 consist of \$349,499 from local government participation in training programs and \$5,235,797 from the Law Enforcement Training Fund. The reimbursable fund revenues and expenditures of \$217,714 reflect actual training activities of the two commissions and consist of \$50,725 from the Executive Department, \$151,989 from the Department of Juvenile Justice, and \$15,000 from the State Police.

Legislative Services advises that if both commissions are removed from DPSCS to the Executive Department (and are continued as a single budgetary entity), revenues and costs for PCTC will continue with very little, if any, change to overall State finances. Any additional payroll functions for the Executive Department could be handled with existing budgeted resources. Accordingly, all of the above cited revenues and expenditures would shift from DPSCS to the Executive Department beginning October 1, 2003. By fiscal 2008, revenues and expenditures for PCTC are expected to be \$7,321,661.

If, however, the provisions of this bill are enacted and the Police Training Commission remains with DPSCS, costs would increase (without any accompanying increases from special funds or reimbursable funds) and likely would necessitate an additional general fund appropriation to meet that shortfall. For instance, the four top administrative positions now at PCTC (including an executive director) may have to be duplicated at a cost of about \$297,866 in fiscal 2004, which accounts for the bill's October 1, 2003 effective date. Future year expenditures for these positions would grow to \$471,278 by fiscal 2008, reflecting full salaries with 4.5% annual increases and 3% employee turnover.

It is assumed that the other 55 positions at PCTC would be split relatively equally between the two commissions based on direct programmatic needs as determined by the two executive directors, the Executive Department, and the Department of Budget and Management. Such a split would reduce combined general fund, special fund, and reimbursable fund revenues and expenditures for DPSCS by approximately \$2,400,600 in fiscal 2004 (accounting for the bill's October 1, 2003 effective date); \$3,268,300 in fiscal 2005; \$3,319,600 in fiscal 2006; \$3,371,900 in fiscal 2007; and \$3,425,200 in fiscal 2008. The Executive Department's revenues and expenditures involving all source funds would increase by corresponding amounts, plus the additional personnel costs cited above: \$2,698,500 in fiscal 2004 (accounting for the bill's October 1, 2003 effective date); \$3,673,100 in fiscal 2005; \$3,745,200 in fiscal 2006; \$3,819,700 in fiscal 2007; and \$3,896,500 in fiscal 2008.

Accordingly, the impact of this bill on overall State finances should be limited to the personnel costs for the newly created positions in the Executive Department: \$297,866 in fiscal 2004 (accounting for the bill's October 1, 2003 effective date); \$404,848 in fiscal 2005; \$425,648 in fiscal 2006; \$447,754 in fiscal 2007; and \$471,278 in fiscal 2008.

**Additional Comments:** Legislative Services advises that it is unclear how current and future responsibilities of PCTC relating to firearms safety, crime prevention, drug resistance education programs, the Public Safety Training Center, and its role in the

statewide study of race-based traffic stops will be handled under the provisions of this bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1096 (Delegate Boschert) – Judiciary.

**Information Source(s):** Executive Department, Department of Public Safety and Correctional Services, Department of Budget and Management, Department of Legislative Services

**Fiscal Note History:** First Reader - March 17, 2003  
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