

HOUSE BILL 765

E4

8lr2164

By: **Delegates Barkley, Barnes, Bates, Conaway, Conway, DeBoy, Dumais, Frank, Kelly, Kramer, Lee, McConkey, Montgomery, Ramirez, Robinson, Rosenberg, Shank, Simmons, Sophocleus, Valderrama, Vallario, and Waldstreicher**

Introduced and read first time: February 4, 2008

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Correctional Officers – Minimum Age**

3 FOR the purpose of altering a provision of law to require the Secretary of Public Safety
4 and Correctional Services to adopt regulations to govern the policies and
5 management of correctional facilities in the Department of Public Safety and
6 Correctional Services rather than the Division of Correction; requiring the
7 Secretary to adopt certain regulations establishing a certain minimum age for a
8 correctional officer hired on or after a certain date for employment in the
9 Division of Pretrial Detention and Services or the Patuxent Institution, with a
10 certain exception; and generally relating to correctional facilities.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 2–109
14 Annotated Code of Maryland
15 (1999 Volume and 2007 Supplement)

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

18 **Article – Correctional Services**

19 2–109.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Secretary shall adopt regulations for the office of the Secretary.

2 (b) (1) The Secretary shall review regulations proposed by a unit in the
3 Department.

4 (2) The Secretary may approve, disapprove, or revise regulations
5 proposed by a unit in the Department.

6 (c) (1) Except as provided in paragraph (2) of this subsection, the
7 Secretary shall adopt regulations to govern the policies and management of
8 correctional facilities in the [Division of Correction] **DEPARTMENT** in accordance with
9 Title 10, Subtitle 1 of the State Government Article.

10 (2) Paragraph (1) of this subsection does not apply to a guideline
11 pertaining to the routine internal management of correctional facilities in the Division
12 of Correction.

13 (3) (i) Subject to subparagraph (ii) of this paragraph, the
14 Secretary shall adopt regulations that provide for a requirement that:

15 **1.** a correctional officer hired on or after October 1,
16 2007, for employment in any unit of the Division of Correction shall be at least 21
17 years old; **AND**

18 **2. A CORRECTIONAL OFFICER HIRED ON OR AFTER**
19 **OCTOBER 1, 2008, FOR EMPLOYMENT IN ANY UNIT OF THE DIVISION OF**
20 **PRETRIAL DETENTION AND SERVICES OR THE PATUXENT INSTITUTION SHALL**
21 **BE AT LEAST 21 YEARS OLD.**

22 (ii) The regulations adopted under subparagraph (i) of this
23 paragraph shall exempt any honorably discharged veteran or reserve member of the
24 United States armed forces from the minimum age requirement.

25 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
26 October 1, 2008.