

# HOUSE BILL 1273

E4, G2

8lr3082  
CF SB 671

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By: **Delegates Haddaway, Bartlett, Bates, Cane, Eckardt, Elmore, Frank, George, Harrison, Haynes, Howard, Kirk, Krebs, McComas, Miller, Myers, Norman, O'Donnell, Oaks, Ross, Shank, Shewell, Sossi, Stocksdale, Stull, Taylor, and Valderrama**

Introduced and read first time: February 8, 2008

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services – Employees Serving**  
3 **as Members of County Governing Bodies**

4 FOR the purpose of providing that an individual employed by the Department of  
5 Correctional Services in a certain capacity is not prohibited from serving in a  
6 certain elective office; requiring the Secretary of Correctional Services, in  
7 consultation with the State Ethics Commission, to adopt certain regulations;  
8 and generally relating to conflicts of interest and limitations on employment.

9 BY repealing and reenacting, without amendments,  
10 Article – State Personnel and Pensions  
11 Section 2–304(a) and (b)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Correctional Services  
16 Section 2–109  
17 Annotated Code of Maryland  
18 (1999 Volume and 2007 Supplement)

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

21 **Article – State Personnel and Pensions**

22 2–304.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Employment by the State does not affect any right or obligation of  
2 a citizen under the Constitution and laws of the United States or under the  
3 Constitution and laws of the State.

4 (2) Except as otherwise provided in this section or by federal law, a  
5 State employee:

6 (i) may freely participate in any political activity and express  
7 any political opinion; and

8 (ii) may not be required to provide any political service.

9 (b) Notwithstanding any other law of the State effective on or before June 30,  
10 1973, the restrictions imposed by subsection (c) of this section are the only restrictions  
11 on the political activities of an employee, except for:

12 (1) the restrictions imposed on employees of a local board of elections  
13 by § 2-301 of the Election Law Article; and

14 (2) the restrictions imposed on employees of the Department of  
15 Legislative Services by guidelines adopted under § 2-1205 of the State Government  
16 Article.

## 17 **Article – Correctional Services**

18 2-109.

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

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

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

24 (c) (1) Except as provided in paragraph (2) of this subsection, the  
25 Secretary shall adopt regulations to govern the policies and management of  
26 correctional facilities in the Division of Correction in accordance with Title 10, Subtitle  
27 1 of the State Government Article.

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

31 (3) (i) Subject to subparagraph (ii) of this paragraph, the  
32 Secretary shall adopt regulations that provide for a requirement that a correctional  
33 officer hired on or after October 1, 2007, for employment in any unit of the Division of  
34 Correction shall be at least 21 years old.

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

4           **(D) (1) NOTWITHSTANDING THE PROVISIONS OF §§ 15-502 THROUGH**  
5 **15-504 OF THE STATE GOVERNMENT ARTICLE, AN INDIVIDUAL EMPLOYED BY**  
6 **THE DEPARTMENT IN A COUNTY FIELD OFFICE ADMINISTERED BY THE**  
7 **DEPARTMENT IS NOT PROHIBITED FROM SERVING IN AN ELECTIVE OFFICE ON**  
8 **THE GOVERNING BODY OF THAT COUNTY.**

9           **(2) THE SECRETARY, IN CONSULTATION WITH THE STATE**  
10 **ETHICS COMMISSION, SHALL ADOPT REGULATIONS TO GOVERN CONFLICTS OF**  
11 **INTEREST WITH RESPECT TO EMPLOYMENT BY INDIVIDUALS IN A COUNTY FIELD**  
12 **OFFICE ADMINISTERED BY THE DEPARTMENT WHILE ALSO SERVING IN AN**  
13 **ELECTIVE OFFICE ON THE GOVERNING BODY OF THAT COUNTY.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2008.