

HOUSE BILL 1539

P4

8lr0224

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 22, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services – Designation of**
3 **Acting Secretary**

4 FOR the purpose of repealing a provision of law requiring the Secretary of Public
5 Safety and Correctional Services to designate a Deputy Secretary to be the
6 acting Secretary under certain circumstances; requiring the Secretary to
7 designate a member of the Secretary's executive staff as acting Secretary under
8 certain circumstances; and generally relating to the designation of an acting
9 Secretary in the Department of Public Safety and Correctional Services.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 2–102 and 2–105
13 Annotated Code of Maryland
14 (1999 Volume and 2007 Supplement)

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

17 **Article – Correctional Services**

18 2–102.

19 (a) (1) With the advice and consent of the Senate, the Governor shall
20 appoint the Secretary of Public Safety and Correctional Services.

21 (2) The Secretary is the head of the Department.

22 (b) Before taking office, the appointee shall take the oath required by Article
23 I, § 9 of the Maryland Constitution.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) (1) The Secretary serves at the pleasure of the Governor and is
2 responsible directly to the Governor.

3 (2) The Secretary shall advise the Governor on all matters assigned to
4 the Department and is responsible for carrying out the Governor's policies on public
5 safety, crime prevention, correction, parole, and probation.

6 (d) The Secretary is entitled to the compensation provided in the State
7 budget.

8 (E) **THE SECRETARY SHALL DESIGNATE ONE OF THE FOLLOWING**
9 **MEMBERS OF THE SECRETARY'S EXECUTIVE STAFF TO BE THE ACTING**
10 **SECRETARY WHEN THE SECRETARY IS ABSENT FROM THE STATE OR**
11 **OTHERWISE UNAVAILABLE:**

12 (1) **A DEPUTY SECRETARY;**

13 (2) **AN ASSISTANT SECRETARY;**

14 (3) **THE COMMISSIONER OF CORRECTION;**

15 (4) **THE COMMISSIONER OF PRETRIAL DETENTION AND**
16 **SERVICES; OR**

17 (5) **THE DIRECTOR OF THE DIVISION OF PAROLE AND**
18 **PROBATION.**

19 2-105.

20 (a) With the approval of the Governor, the Secretary shall appoint two
21 Deputy Secretaries.

22 (b) The Deputy Secretaries:

23 (1) serve at the pleasure of the Secretary; and

24 (2) are entitled to the compensation provided in the State budget.

25 (c) The Deputy Secretaries:

26 (1) shall assist the Secretary in administering the Department; and

27 (2) have the other duties provided by law or delegated by the
28 Secretary.

1 [(d) The Secretary shall designate a Deputy Secretary to be the acting
2 Secretary when the Secretary is absent from the State or otherwise unavailable.]

3 [(e)] **(D)** If the Secretary is required by law to make an appointment, with
4 the approval of the Governor, to a particular office within the Department and the
5 appointee is required by law to serve at the pleasure of the Secretary, the Secretary
6 may not remove the appointee without first obtaining the Governor's approval.

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