

SENATE BILL 671

E4, G2

8lr1845
CF 8lr3082

By: **Senators Colburn, Conway, Jones, Muse, and Rosapepe**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

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.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (i) may freely participate in any political activity and express
4 any political opinion; and

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

6 (b) Notwithstanding any other law of the State effective on or before June 30,
7 1973, the restrictions imposed by subsection (c) of this section are the only restrictions
8 on the political activities of an employee, except for:

9 (1) the restrictions imposed on employees of a local board of elections
10 by § 2–301 of the Election Law Article; and

11 (2) the restrictions imposed on employees of the Department of
12 Legislative Services by guidelines adopted under § 2–1205 of the State Government
13 Article.

14 **Article – Correctional Services**

15 2–109.

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

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

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

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

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

28 (3) (i) Subject to subparagraph (ii) of this paragraph, the
29 Secretary shall adopt regulations that provide for a requirement that a correctional
30 officer hired on or after October 1, 2007, for employment in any unit of the Division of
31 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 June 1, 2008.