

SENATE BILL 899

E4

2lr2912
CF 2lr2059

By: **Senators Gladden, Kelley, Klausmeier, Raskin, and Stone**

Introduced and read first time: February 8, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Correctional Officer – Emergency Suspension**
3 **Rescinded**

4 FOR the purpose of providing that a State correctional officer who receives an
5 emergency suspension without pay after being charge with a felony and who is
6 not convicted of the felony shall have the emergency suspension rescinded and
7 any lost time, compensation, status, and benefits restored; and generally
8 relating to the rights of a State correctional officer.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 10–913
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2011 Supplement)

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

16 **Article – Correctional Services**

17 10–913.

18 (a) This subtitle does not prohibit emergency suspension with pay by a
19 correctional officer of higher rank as designated by the appointing authority.

20 (b) (1) The appointing authority may impose emergency suspension with
21 pay if it appears that the action is in the best interest of the inmates, the public, and
22 the correctional facility.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) If the correctional officer is suspended with pay, the appointing
2 authority may suspend the correctional powers of the correctional officer and reassign
3 the correctional officer to restricted duties pending:

4 (i) a determination by a court with respect to a criminal
5 violation; or

6 (ii) a final determination by the hearing board or the Office of
7 Administrative Hearings with respect to a correctional facility violation.

8 (3) A correctional officer who is suspended under this subsection is
9 entitled to a prompt hearing.

10 (c) (1) If a correctional officer is charged with a felony, the appointing
11 authority may impose an emergency suspension of correctional powers without pay.

12 (2) A correctional officer who is suspended under paragraph (1) of this
13 subsection is entitled to a prompt hearing, held no more than 90 days after the
14 suspension.

15 **(3) A CORRECTIONAL OFFICER WHO IS SUSPENDED UNDER**
16 **PARAGRAPH (1) OF THIS SUBSECTION AND WHO IS NOT CONVICTED OF THE**
17 **FELONY FOR WHICH THE SUSPENSION WAS IMPOSED SHALL HAVE:**

18 **(I) THE SUSPENSION RESCINDED; AND**

19 **(II) ANY LOST TIME, COMPENSATION, STATUS, AND**
20 **BENEFITS RESTORED.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2012.