

SENATE BILL 205

E4

(4lr1711)

ENROLLED BILL

— Judicial Proceedings/Appropriations —

Introduced by **Senator DeGrange (Chair, Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Correctional Facilities – Officers and Inspection**
3 **Standards**

4 FOR the purpose of authorizing the appointing authority of a State correctional
5 facility to impose on a correctional officer an emergency suspension of
6 correctional powers without pay if the correctional officer is charged with a
7 certain contraband violation; ~~providing that a State correctional officer who~~
8 ~~receives an emergency suspension without pay after being charged with a~~
9 ~~certain contraband violation shall have the emergency suspension rescinded~~
10 ~~and any lost time, compensation, status, and benefits restored under certain~~
11 ~~circumstances;~~ *providing that a correctional officer who receives an emergency*
12 *suspension without pay after being charged with a certain misdemeanor and*
13 *who is not convicted of the misdemeanor violation shall have the emergency*
14 *suspension rescinded and any lost time, compensation, status, and benefits*

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.

Italics indicate opposite chamber/conference committee amendments.



1 *restored, subject to a certain exception;* requiring the Secretary of Public Safety
 2 and Correctional Services to direct the Department of Public Safety and
 3 Correctional Services, *in collaboration with a certain person,* to study certain
 4 issues on or before a certain date; requiring the Secretary to adopt certain
 5 regulations, provide a certain schedule, and make a certain report to the
 6 Governor and General Assembly on or before a certain date; and generally
 7 relating to public safety and security in State and local correctional facilities.

8 BY repealing and reenacting, with amendments,
 9 Article – Correctional Services
 10 Section 10–913
 11 Annotated Code of Maryland
 12 (2008 Replacement Volume and 2013 Supplement)

13 BY repealing and reenacting, without amendments,
 14 Article – Criminal Law
 15 Section ~~9–415, 9–412, 9–415, 9–416,~~ 9–416, and 9–417
 16 Annotated Code of Maryland
 17 (2012 Replacement Volume and 2013 Supplement)

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

20 **Article – Correctional Services**

21 10–913.

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

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

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

30 (i) a determination by a court with respect to a criminal
 31 violation; or

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

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

1 (c) (1) [If a correctional officer is charged with a felony, the] **THE**
 2 appointing authority may impose an emergency suspension of correctional powers
 3 without pay **IF:**

4 (I) A CORRECTIONAL OFFICER IS CHARGED WITH A
 5 FELONY; ~~OR~~

6 (II) A CORRECTIONAL OFFICER IS CHARGED WITH A
 7 VIOLATION OF ~~§ 9-415, § 9-412, § 9-415, § 9-416, § 9-416, OR § 9-417~~ OF THE
 8 CRIMINAL LAW ARTICLE; OR

9 (III) A CORRECTIONAL OFFICER IS CHARGED WITH A
 10 VIOLATION OF § 9-412 OF THE CRIMINAL LAW ARTICLE INVOLVING
 11 CONTRABAND THAT IS:

12 1. MONEY OR A MONEY EQUIVALENT; OR

13 2. AN ITEM OR SUBSTANCE INTENDED TO CAUSE
 14 PHYSICAL INJURY.

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

18 (3) Except as provided in paragraph (4) of this subsection, a
 19 correctional officer who is suspended under paragraph (1) of this subsection and who is
 20 not convicted of the felony ~~OR THE VIOLATION OF § 9-416 OR § 9-417 OF THE~~
 21 ~~CRIMINAL LAW ARTICLE~~ MISDEMEANOR for which the suspension was imposed
 22 shall have:

23 (i) the suspension rescinded; and

24 (ii) any lost time, compensation, status, and benefits restored.

25 (4) Paragraph (3) of this subsection does not apply to a correctional
 26 officer who:

27 (i) resigns before the disposition of the criminal matter for
 28 which the suspension was imposed; or

29 (ii) is no longer employed by the Department when a
 30 determination is made by a court with respect to the criminal matter for which the
 31 suspension was imposed.

1 ~~9-412.~~

2 ~~(a) A person may not:~~

3 ~~(1) deliver any contraband to a person detained or confined in a place~~
4 ~~of confinement;~~

5 ~~(2) possess any contraband with intent to deliver it to a person~~
6 ~~detained or confined in a place of confinement; or~~

7 ~~(3) knowingly possess contraband in a place of confinement.~~

8 ~~(b) A person who violates this section is guilty of a misdemeanor and on~~
9 ~~conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding~~
10 ~~\$1,000 or both.~~

11 ~~9-415.~~

12 ~~(a) This section does not apply to an alcoholic beverage delivered or~~
13 ~~possessed in a manner authorized by the managing official.~~

14 ~~(b) A person may not:~~

15 ~~(1) deliver an alcoholic beverage to a person detained or confined in a~~
16 ~~place of confinement; or~~

17 ~~(2) possess an alcoholic beverage with the intent to deliver it to a~~
18 ~~person detained or confined in a place of confinement.~~

19 ~~(c) A person detained or confined in a place of confinement may not~~
20 ~~knowingly possess or receive an alcoholic beverage.~~

21 ~~(d) A person who violates this section is guilty of a misdemeanor and on~~
22 ~~conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding~~
23 ~~\$1,000 or both.~~

24 9-415.

25 (a) This section does not apply to an alcoholic beverage delivered or possessed
26 in a manner authorized by the managing official.

27 (b) A person may not:

28 (1) deliver an alcoholic beverage to a person detained or confined in a
29 place of confinement; or

1 (2) possess an alcoholic beverage with the intent to deliver it to a person
2 detained or confined in a place of confinement.

3 (c) A person detained or confined in a place of confinement may not
4 knowingly possess or receive an alcoholic beverage.

5 (d) A person who violates this section is guilty of a misdemeanor and on
6 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
7 \$1,000 or both.

8 9-416.

9 (a) A person may not:

10 (1) deliver a controlled dangerous substance to a person detained or
11 confined in a place of confinement; or

12 (2) possess a controlled dangerous substance with the intent to deliver
13 it to a person detained or confined in a place of confinement.

14 (b) A person detained or confined in a place of confinement may not
15 knowingly possess or receive a controlled dangerous substance.

16 (c) A person who violates this section is guilty of a misdemeanor and on
17 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
18 \$1,000 or both.

19 9-417.

20 (a) (1) A person may not deliver a telecommunication device to a person
21 detained or confined in a place of confinement with signs posted indicating that such
22 conduct is prohibited.

23 (2) A person may not possess a telecommunication device with the
24 intent to deliver it to a person detained or confined in a place of confinement with
25 signs posted indicating that such conduct is prohibited.

26 (3) A person may not deposit or conceal a telecommunication device in
27 or about a place of confinement with signs posted indicating that such conduct is
28 prohibited or on any land appurtenant to the place of confinement with the intent that
29 it be obtained by a person detained or confined in the place of confinement.

30 (4) A person detained or confined in a place of confinement may not
31 knowingly possess or receive a telecommunication device.

1 (b) A person who violates this section is guilty of a misdemeanor and on
 2 conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding
 3 \$1,000 or both.

4 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,
 5 2014, the Secretary of Public Safety and Correctional Services shall:

6 (1) direct the Department, in collaboration with the exclusive
 7 representative for correctional officers at State facilities, to study:

8 (i) the extent to which correctional facilities in the State are in
 9 compliance with mandatory standards set by the Maryland Commission on
 10 Correctional Standards;

11 (ii) methods to prevent duplication of efforts and resources with
 12 facility evaluations conducted by both the Commission and the American Correctional
 13 Association; and

14 (iii) methods to align standards at all correctional facilities,
 15 regardless of whether the facility is accredited by the American Correctional
 16 Association;

17 (2) adopt regulations amending the Commission's standards in
 18 accordance with the results of the study;

19 (3) provide the proposed implementation schedule for American
 20 Correctional Association accreditation at each correctional facility; and

21 (4) report the study findings and accompanying regulatory changes to
 22 the Governor and General Assembly, in accordance with § 2-1246 of the State
 23 Government Article.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 25 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.