

## Chapter 252

(House Bill 1458)

AN ACT concerning

### Correctional Services – Charges Recommending Discipline – Investigative Period

FOR the purpose of establishing that a certain time period after which a certain appointing authority in the Department of Public Safety and Correctional Services may not bring charges recommending the imposition of discipline against a correctional officer does not apply to certain charges of criminal activity under certain circumstances; and generally relating to disciplinary procedures for correctional officers.

BY repealing and reenacting, with amendments,  
 Article – Correctional Services  
 Section 10–907  
 Annotated Code of Maryland  
 (2008 Replacement Volume and 2013 Supplement)

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

#### Article – Correctional Services

10–907.

(a) The appointing authority may not bring charges recommending the imposition of discipline more than 90 days after the Internal Investigative Unit or the appointing authority acquires knowledge of the action that gives rise to the discipline.

(b) **THE 90–DAY LIMITATION ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO CRIMINAL ACTIVITY IF:**

~~(1)~~ **THE CRIMINAL ACTIVITY:**

~~(1)~~ **(1) RELATES TO THE CORRECTIONAL OFFICER’S OFFICIAL DUTIES;**

~~(2)~~ **(2) ARISES FROM EVENTS THAT OCCUR AT A CORRECTIONAL FACILITY; OR**

~~(H)~~ **(3)** INVOLVES AN INMATE OR DETAINEE AT A CORRECTIONAL FACILITY; AND

~~(2) AT THE TIME THE ADMINISTRATIVE CHARGES ARE BROUGHT AGAINST THE CORRECTIONAL OFFICER, THE DIRECTOR OF THE INTERNAL INVESTIGATIVE UNIT OR THE DIRECTOR'S DESIGNEE CERTIFIES IN WRITING THAT THE 90 DAY LIMITATION WAS EXTENDED AS A RESULT OF THE CIRCUMSTANCES IN ITEM (1) OF THIS SUBSECTION.~~

**(C)** An appointing authority may not recommend disciplinary action against a correctional officer for excessive use of force against an inmate based solely on the uncorroborated statement of the inmate unless the appointing authority determines that there exists any indicia of reliability to support the inmate's allegation.

~~[(c)]~~ **(D)** This section does not limit the right of the Department to investigate claims of excessive force against inmates to ensure the safety and security of its correctional facilities, or for any other legitimate purpose.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

**Approved by the Governor, April 14, 2014.**