

HOUSE BILL 115

E4

5lr1032
CF SB 721

By: **Carroll County Delegation**

Introduced and read first time: January 26, 2015

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: February 10, 2015

CHAPTER _____

1 AN ACT concerning

2 **Carroll County – Correctional Officers’ Bill of Rights**

3 FOR the purpose of making the Correctional Officers’ Bill of Rights applicable to
4 correctional officers in Carroll County; and generally relating to rights of a
5 correctional officer in Carroll County.

6 BY repealing and reenacting, without amendments,
7 Article – Correctional Services
8 Section 8–201(e), 11–1001(a) and (c), and 11–1004
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2014 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 11–1002
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2014 Supplement)

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

18 **Article – Correctional Services**

19 8–201.

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.



1 (e) (1) “Correctional officer” means a member of a correctional unit whose
2 duties relate to the investigation, care, custody, control, or supervision of inmates and
3 individuals who:

4 (i) have been placed on parole or mandatory supervision;

5 (ii) have been placed on probation; or

6 (iii) have received a suspended sentence.

7 (2) “Correctional officer” does not include:

8 (i) the head or deputy head of a correctional unit; or

9 (ii) a sheriff, warden, or superintendent or an individual with an
10 equivalent title who is appointed or employed by a unit of government to exercise
11 equivalent supervisory authority.

12 11-1001.

13 (a) In this subtitle the following words have the meanings indicated.

14 (c) (1) “Correctional officer” has the meaning stated in § 8-201 of this article.

15 (2) “Correctional officer” does not include an officer who is in probationary
16 status on initial entry into the correctional agency except if an allegation of brutality in the
17 execution of the officer’s duties is made against the officer.

18 11-1002.

19 This subtitle applies only in Allegany County, **CARROLL COUNTY**, Cecil County,
20 Garrett County, Harford County, and St. Mary’s County.

21 11-1004.

22 (a) (1) Except as provided in paragraph (2) of this subsection, a correctional
23 officer has the same rights to engage in political activity as a State employee.

24 (2) The right of a correctional officer to engage in political activity does not
25 apply when the correctional officer is on duty or acting in an official capacity.

26 (b) A managing official:

27 (1) may not prohibit secondary employment by a correctional officer; but

28 (2) may adopt reasonable regulations that relate to secondary employment
29 by a correctional officer.

1 (c) A correctional officer may not be required or requested to disclose an item of
2 the correctional officer's property, income, assets, source of income, debts, or personal or
3 domestic expenditures, including those of a member of the correctional officer's family or
4 household, unless:

5 (1) the information is necessary to investigate a possible conflict of interest
6 with respect to the performance of the correctional officer's official duties; or

7 (2) the disclosure is required by federal or State law.

8 (d) A correctional officer may not be discharged, disciplined, demoted, or denied
9 promotion, transfer, or reassignment, or otherwise discriminated against in regard to the
10 correctional officer's employment or be threatened with that treatment because the
11 correctional officer:

12 (1) has exercised or demanded the rights granted by this subtitle; or

13 (2) has lawfully exercised constitutional rights.

14 (e) A statute may not abridge and a correctional facility may not adopt a
15 regulation that prohibits the right of a correctional officer to bring suit that arises out of
16 the correctional officer's duties as a correctional officer.

17 (f) A correctional officer may waive in writing any or all rights granted by this
18 subtitle.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.