

SENATE BILL 11

E4

7lr0125

(PRE-FILED)

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Public Safety and Correctional Services)**

Requested: November 2, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Correctional Officers’ Bill of Rights – Composition of**
3 **Hearing Board**

4 FOR the purpose of altering certain provisions of law relating to the required ranks of
5 certain correctional officer members of a certain hearing board; altering a certain
6 provision of law to require that correctional officers assigned to serve on a certain
7 hearing board be selected from a list of correctional officers eligible to serve on
8 disciplinary hearing boards established by the Secretary of Public Safety and
9 Correctional Services, or the Secretary’s designee, and maintained by the
10 Department of Public Safety and Correctional Services; repealing a certain provision
11 of law requiring the Department, at a certain time, to determine the manner of
12 selection of correctional officers who are eligible to serve on a certain list and the
13 manner of selection of correctional officers for a certain hearing board; repealing a
14 certain provision of law requiring the chair of a certain hearing board to participate
15 in certain deliberations, authorizing the chair to only vote on a certain decision in
16 the event of a tie, and authorizing the chair to file a certain statement of position for
17 the record; and generally relating to the Correctional Officers’ Bill of Rights.

18 BY repealing and reenacting, with amendments,
19 Article – Correctional Services
20 Section 10–909(c)
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2016 Supplement)

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

25 **Article – Correctional Services**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-909.

2 (c) (1) (i) The hearing board authorized under this section shall consist of
3 at least three members, **AT LEAST ONE OF WHOM SHALL BE OF THE SAME RANK AS THE**
4 **CORRECTIONAL OFFICER AGAINST WHOM THE CHARGES HAVE BEEN FILED.**

5 [1. For correctional officers holding the rank of sergeant or
6 below, the hearing board shall be composed of two correctional officers who are members of
7 the bargaining unit, one of whom is the same rank as the correctional officer facing charges,
8 and one correctional officer ranked lieutenant or higher.

9 2. For correctional officers holding the rank of lieutenant and
10 above, the hearing board shall be composed of one correctional officer of equal rank, one
11 correctional officer of equal or lower rank, and one correctional officer of equal or higher
12 rank.]

13 (ii) Correctional officers assigned to serve on a hearing board shall
14 be [randomly] selected from a [rotating] list of correctional officers eligible to serve on
15 disciplinary hearing boards **ESTABLISHED BY THE SECRETARY, OR THE SECRETARY'S**
16 **DESIGNEE, AND** maintained by the Department.

17 [(iii) The Department, after consultation with the exclusive
18 representative for the correctional officers who are covered by this subtitle, shall determine:

19 1. the manner of selection of correctional officers who are
20 eligible to serve on a rotating list; and

21 2. the manner of the selection of correctional officers for a
22 hearing board.]

23 [(iv)] **(III)** Correctional officers assigned to serve on a hearing board
24 shall be from a facility other than the facility to which the correctional officer facing charges
25 is regularly assigned, and may not have had a role in the investigation or the interrogation
26 of the correctional officer against whom the charges are filed, or be involved in any way
27 with the incidents that are the subject of the [complaint] **CHARGES.**

28 [(v)] **(IV)** 1. The highest ranking member of the hearing board
29 shall serve as the hearing board chair.

30 2. [The chair of the hearing board:

31 A. shall participate in any deliberations; but

32 B. may only vote on the decision in the event of a tie; and

33 C. may file a statement of position for the record.

1 3.] The chair of the hearing board shall be from a different
2 facility than the other board members.

3 [(vi)] (v) The appointing authority and the exclusive bargaining
4 representative may negotiate an alternative method of forming the hearing board for
5 members of the collective bargaining unit.

6 (2) (i) Decisions of the hearing board shall be by majority vote of all
7 members of the board.

8 (ii) The votes of the hearing board are confidential, and decisions
9 shall be reported by the chair.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.