

# HOUSE BILL 1608

E4, P4

0lr3646

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By: **Delegate Haynes**

Introduced and read first time: February 17, 2020

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Division of Correction – Appointment and Removal of Employees – Standards**

3 FOR the purpose of requiring, with certain exceptions, the Division of Correction to appoint  
4 and remove all officers and other employees in accordance with certain standards  
5 published by the American Correctional Association; and generally relating to the  
6 Division of Correction.

7 BY repealing and reenacting, without amendments,  
8 Article – Correctional Services  
9 Section 2–101 and 3–201  
10 Annotated Code of Maryland  
11 (2017 Replacement Volume and 2019 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Correctional Services  
14 Section 3–215  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2019 Supplement)

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

19 **Article – Correctional Services**

20 2–101.

21 There is a Department of Public Safety and Correctional Services established as a  
22 principal department of the State government.

23 3–201.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           There is a Division of Correction in the Department.

2   3–215.

3           (a)    In accordance with the State budget, the Division may appoint officers and  
4 other employees as necessary to operate the Division and its units efficiently and  
5 effectively.

6           (b)    (1)   Except as otherwise provided in this subtitle, all officers and other  
7 employees of the Division shall be appointed and removed in accordance with the provisions  
8 of the State Personnel and Pensions Article.

9                   **(2)   EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE OR THE**  
10 **STATE PERSONNEL AND PENSIONS ARTICLE, ALL OFFICERS AND OTHER**  
11 **EMPLOYEES OF THE DIVISION SHALL BE APPOINTED AND REMOVED IN**  
12 **ACCORDANCE WITH THE STANDARDS FOR STAFF RECRUITMENT AND DEVELOPMENT**  
13 **PUBLISHED BY THE AMERICAN CORRECTIONAL ASSOCIATION.**

14           **[(2)] (3)**    The following positions are in the executive service, the  
15 management service, or are special appointments of the skilled service or the professional  
16 service in the State Personnel Management System:

- 17                   (i)    Commissioner;
- 18                   (ii)   Deputy Commissioner;
- 19                   (iii)   Assistant Commissioner;
- 20                   (iv)   industries general manager;
- 21                   (v)    warden;
- 22                   (vi)   facility administrator; and
- 23                   (vii)   assistant warden.

24                   **[(3)] (4)**    (i)    The warden of a correctional facility is the appointing  
25 officer for the officers and other employees of that facility.

26                           (ii)   The Commissioner is the appointing officer for the other officers  
27 and employees in the Division.

28           (c)    The Division may provide a dwelling for a warden.

29           (d)    A warden may not receive any compensation or perquisite other than:

1                   (1)    the compensation and reimbursement provided under subsection (e) of  
2 this section; and

3                   (2)    if provided under subsection (c) of this section, a dwelling.

4           (e)    (1)    Officers and other employees are entitled to:

5                           (i)    compensation as provided in the State budget; and

6                           (ii)   reimbursement for expenses in accordance with the Standard  
7 State Travel Regulations.

8                   (2)    Officers and other employees working 40 hours or more per week in a  
9 correctional facility are entitled to one free meal per shift as provided in the State budget.

10           (f)    (1)    The Secretary shall require an individual to pass a polygraph  
11 examination before being appointed to serve as a correctional officer in a correctional  
12 facility.

13                   (2)    The Secretary shall adopt regulations governing the administration of  
14 the polygraph examination required under paragraph (1) of this subsection.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2020.