

# HOUSE BILL 64

P1, E5  
HB 604/22 – JUD & HGO

(PRE-FILED)

3lr0894  
CF SB 87

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By: **Delegate Davis**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judiciary and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General – Correctional Ombudsman**

3 FOR the purpose of establishing the Correctional Ombudsman in the Office of the Attorney  
4 General; requiring the Ombudsman to conduct investigations, reviews, and  
5 assessments of administrative acts taken by the Department of Public Safety and  
6 Correctional Services or in relation to individuals confined by the Department;  
7 requiring the Ombudsman to refer certain matters for criminal charges or  
8 disciplinary proceedings; providing for the confidentiality of certain communications  
9 with the Ombudsman; establishing the Correctional Ombudsman Advisory Board;  
10 prohibiting a person from obstructing the lawful exercise of the Ombudsman's  
11 powers; requiring the Ombudsman to conduct certain activities; and generally  
12 relating to the Correctional Ombudsman.

13 BY repealing and reenacting, with amendments,  
14 Article – Correctional Services  
15 Section 8–114 and 8–117  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2022 Supplement)

18 BY adding to  
19 Article – State Government  
20 Section 6–701 through 6–708 to be under the new subtitle “Subtitle 7. Correctional  
21 Ombudsman”  
22 Annotated Code of Maryland  
23 (2021 Replacement Volume and 2022 Supplement)

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

26 **Article – Correctional Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8–114.

2 (a) (1) If the Commission determines that a correctional facility is in violation  
3 of the minimum mandatory standards, the Commission shall send a compliance plan to the  
4 correctional facility.

5 (2) The compliance plan shall state:

6 (i) which minimum mandatory standards the correctional facility  
7 has violated;

8 (ii) the time, to be determined by the Commission, that the  
9 correctional facility has to address the violations; and

10 (iii) the date that the Commission shall reinspect the correctional  
11 facility to determine if the correctional facility has complied with the minimum mandatory  
12 standards.

13 (3) The Commission shall send a copy of the compliance plan to:

14 (I) the executive and legislative body responsible for the correctional  
15 facility; **AND**

16 (II) **THE CORRECTIONAL OMBUDSMAN.**

17 (b) (1) If, after sending a compliance plan and reinspecting a correctional  
18 facility under subsection (a) of this section, the Commission determines that the  
19 correctional facility is in violation of the minimum mandatory standards, the Commission  
20 shall send a letter of reprimand to the correctional facility.

21 (2) The letter of reprimand shall state:

22 (i) which minimum standards the correctional facility has violated;

23 (ii) the time, to be determined by the Commission but not to exceed  
24 60 days, that the correctional facility has to address the violations; and

25 (iii) the date that the Commission will reinspect the correctional  
26 facility to determine if the correctional facility has complied with the minimum mandatory  
27 standards.

28 (3) The Commission shall send a copy of the letter of reprimand to:

29 (I) the executive and legislative body responsible for the correctional  
30 facility; **AND**

1                                   **(II) THE CORRECTIONAL OMBUDSMAN.**

2           (c)   (1)   If, after the Commission has sent a letter of reprimand to a correctional  
3 facility under subsection (b) of this section and reinspected the facility, the Commission  
4 determines that the correctional facility is in violation of the minimum mandatory  
5 standards, the Commission shall:

6                           (i)   conduct a full standards and performance audit of the  
7 correctional facility; or

8                           (ii)  periodically inspect the correctional facility until compliance is  
9 attained and send a report of each inspection to the executive and legislative bodies  
10 responsible for the correctional facility.

11           (2)   When conducting a full standards and performance audit of a  
12 correctional facility, the Commission shall examine:

13                           (i)   the physical condition of the correctional facility;

14                           (ii)  the safety and treatment of inmates at the correctional facility;

15                           (iii) whether the correctional facility has policies and procedures in  
16 place as required by the minimum mandatory standards; and

17                           (iv)  whether the correctional facility is following the required policies  
18 and procedures.

19           (3)   When conducting a full standards and performance audit, the  
20 Commission shall have unrestricted access to the personnel and records of the correctional  
21 facility.

22           (4)   (i)   If the Commission lacks the expertise necessary to perform a part  
23 of the full standards and performance audit, the Commission may obtain assistance from  
24 sources with expertise in the specific standard.

25                           (ii)  If the Commission needs to obtain assistance, the correctional  
26 facility that is being audited shall reimburse the Commission for any cost incurred.

27           (5)   (i)   After completing a full standards and performance audit, the  
28 Commission shall send a letter to the correctional facility.

29                           (ii)  The letter shall contain:

30                                   1.   a copy of the audit findings, including details on all areas  
31 where the correctional facility fails to comply with the minimum mandatory standards;

1                                   2.     a statement of what actions the correctional facility must  
2 take in order to comply with the audit findings;

3                                   3.     a date when the correctional facility must comply with the  
4 audit findings; and

5                                   4.     a statement that the Commission will conduct an  
6 unannounced inspection of the correctional facility within a reasonable amount of time  
7 after the date specified for compliance and that if the correctional facility fails to comply,  
8 the Commission may seek a court order requiring compliance or order all or part of the  
9 correctional facility to cease operations.

10                               (iii)   The Commission shall send a copy of the letter to:

11                                   1.     the executive and legislative bodies responsible for the  
12 correctional facility; **AND**

13                                   2.     **THE CORRECTIONAL OMBUDSMAN.**

14                               (6)   **(I)**    Within a reasonable time after the date specified for compliance,  
15 the Commission shall conduct an unannounced inspection to verify that the correctional  
16 facility has complied with the audit findings.

17                                   **(II)   ON REQUEST BY THE COMMISSION, THE CORRECTIONAL**  
18 **OMBUDSMAN SHALL CONDUCT AN UNANNOUNCED INSPECTION TO VERIFY THAT**  
19 **THE CORRECTIONAL FACILITY HAS COMPLIED WITH THE AUDIT FINDINGS.**

20                               (d)   (1)   If, after performing an audit and unannounced inspection under  
21 subsection (c) of this section and holding a hearing on the issue, the Commission determines  
22 that a correctional facility has not complied with the audit findings, the Commission shall:

23                                   (i)   petition a circuit court with venue over the proceeding for a court  
24 order requiring the correctional facility to comply with the audit findings; or

25                                   (ii)   issue an order to cease operation of the correctional facility or  
26 any of its correctional elements, procedures, or functions.

27                               (2)   The Commission shall provide to a correctional facility reasonable  
28 notice of a hearing under paragraph (1) of this subsection.

29                               (3)   The Commission may subpoena witnesses and hold public hearings in  
30 accordance with Title 10, Subtitle 2 of the State Government Article before making a final  
31 decision on whether to seek a court order or close a correctional facility or any of its  
32 correctional elements, procedures, or functions.

1 (A) The Commission may perform any acts necessary and appropriate to carry out  
2 the powers and duties set forth in this subtitle.

3 (B) THE COMMISSION SHALL RECEIVE FROM AND SHARE WITH THE  
4 CORRECTIONAL OMBUDSMAN INFORMATION RELATED TO ANY CONDITION THAT  
5 MAY ENDANGER THE LIFE OR HEALTH OF ANY PERSON IN A CORRECTIONAL  
6 FACILITY.

7 Article – State Government

8 SUBTITLE 7. CORRECTIONAL OMBUDSMAN.

9 6–701.

10 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (B) “ADMINISTRATIVE ACT” MEANS ANY ACTION, DECISION,  
13 ADJUDICATION, FAILURE TO ACT, OMISSION, RULE OR REGULATION,  
14 INTERPRETATION, RECOMMENDATION, POLICY, PRACTICE, OR PROCEDURE OF AN  
15 AGENCY.

16 (C) (1) “AGENCY” MEANS:

17 (I) THE DEPARTMENT OF PUBLIC SAFETY AND  
18 CORRECTIONAL SERVICES;

19 (II) ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT OF  
20 PUBLIC SAFETY AND CORRECTIONAL SERVICES;

21 (III) ANY PERSON PROVIDING SERVICES UNDER A CONTRACT  
22 WITH THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES TO  
23 INDIVIDUALS WHO ARE CONFINED BY OR UNDER THE SUPERVISION OF THE  
24 DEPARTMENT; OR

25 (IV) ANY OFFICER, EMPLOYEE, OR ADMINISTRATIVE HEARING  
26 EXAMINER OF THE STATE OR A UNIT OF LOCAL GOVERNMENT WHO IS ACTING OR  
27 PURPORTING TO ACT IN RELATION TO INDIVIDUALS CONFINED BY OR UNDER THE  
28 SUPERVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
29 SERVICES.

30 (2) “AGENCY” DOES NOT INCLUDE:

1 (I) A JUDGE, AS DEFINED BY § 1-101 OF THE COURTS ARTICLE;

2 (II) THE GENERAL ASSEMBLY OR ANY MEMBER, EMPLOYEE, OR  
3 COMMITTEE OF THE GENERAL ASSEMBLY; OR

4 (III) THE GOVERNOR OR THE GOVERNOR'S PERSONAL STAFF.

5 (D) "OMBUDSMAN" MEANS THE CORRECTIONAL OMBUDSMAN.

6 (E) "RECORDS" MEANS ALL MATERIALS, REGARDLESS OF PHYSICAL FORM  
7 OR CHARACTERISTICS, CREATED, GENERATED, RECORDED, RECEIVED, POSSESSED,  
8 OR CONTROLLED BY OR ON BEHALF OF ANY AGENCY.

9 **6-702.**

10 THERE IS A CORRECTIONAL OMBUDSMAN IN THE OFFICE OF THE ATTORNEY  
11 GENERAL.

12 **6-703.**

13 (A) (1) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN  
14 WITH THE ADVICE AND CONSENT OF THE SENATE.

15 (2) THE OMBUDSMAN SHALL SERVE FOR A TERM OF 5 YEARS.

16 (3) AT THE END OF A TERM, THE OMBUDSMAN CONTINUES TO SERVE  
17 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (4) THE ATTORNEY GENERAL OR THE GENERAL ASSEMBLY, WITH  
19 THE VOTE OF A TWO-THIRDS MAJORITY OF EACH CHAMBER, MAY REMOVE THE  
20 OMBUDSMAN ONLY FOR:

21 (I) MISCONDUCT IN OFFICE;

22 (II) A FELONY CONVICTION; OR

23 (III) A PERSISTENT FAILURE BY THE OMBUDSMAN TO PERFORM  
24 THE DUTIES OF THE OFFICE.

25 (B) THE OMBUDSMAN SHALL BE AN INDIVIDUAL:

26 (1) WITH RECOGNIZED JUDGMENT AND OBJECTIVITY;

1           **(2) WHO HAS DEMONSTRATED INTEREST AND EXPERIENCE IN ISSUES**  
2 **RELATED TO CORRECTIONS;**

3           **(3) WHO POSSESSES SKILL IN ANALYZING LAW, ADMINISTRATION,**  
4 **AND PUBLIC POLICY; AND**

5           **(4) WITH EXPERIENCE IN AT LEAST ONE OF THE FOLLOWING AREAS:**

6                   **(I) LAW;**

7                   **(II) AUDITING;**

8                   **(III) GOVERNMENT OPERATIONS;**

9                   **(IV) INVESTIGATIONS;**

10                   **(V) SOCIAL WORK; OR**

11                   **(VI) CONFLICT RESOLUTION.**

12           **(C) WHILE SERVING AS OMBUDSMAN, AN INDIVIDUAL MAY NOT:**

13                   **(1) BE ACTIVELY INVOLVED WITH ANY POLITICAL ACTIVITIES;**

14                   **(2) PUBLICLY ENDORSE, SOLICIT FUNDS FOR, OR MAKE**  
15 **CONTRIBUTIONS TO A POLITICAL PARTY OR CANDIDATE FOR ELECTIVE OFFICE;**

16                   **(3) BE A CANDIDATE FOR OR HOLD ANY ELECTIVE OR APPOINTED**  
17 **OFFICE; OR**

18                   **(4) ENGAGE IN ANY OTHER OCCUPATION, BUSINESS, OR PROFESSION**  
19 **LIKELY TO:**

20                           **(I) DETRACT FROM THE FULL-TIME PERFORMANCE OF THE**  
21 **OMBUDSMAN’S DUTIES;**

22                           **(II) RESULT IN A CONFLICT OF INTEREST; OR**

23                           **(III) RESULT IN THE APPEARANCE OF IMPROPRIETY.**

24           **(D) (1) THE SALARY OF THE OMBUDSMAN IS EQUAL TO THE SALARY OF A**  
25 **DISTRICT COURT JUDGE.**

1           **(2) THE SALARY OF THE OMBUDSMAN MAY NOT BE DIMINISHED**  
2 **DURING THE OMBUDSMAN'S TERM OF OFFICE.**

3 **6-704.**

4           **(A) THE OMBUDSMAN, IN RESPONSE TO A COMPLAINT OR ON THE**  
5 **OMBUDSMAN'S INITIATIVE, SHALL:**

6           **(1) INVESTIGATE ANY ADMINISTRATIVE ACT THAT THE OMBUDSMAN**  
7 **DETERMINES MAY BE:**

8                   **(I) CONTRARY TO LAW OR REGULATION;**

9                   **(II) BASED ON A MISTAKE OF FACT;**

10                  **(III) UNSUPPORTED BY SUFFICIENT EVIDENCE;**

11                  **(IV) PERFORMED IN AN INEFFICIENT MANNER;**

12                  **(V) UNREASONABLE UNDER THE TOTALITY OF THE**  
13 **CIRCUMSTANCES; OR**

14                  **(VI) OTHERWISE ERRONEOUS;**

15           **(2) CONDUCT INDEPENDENT REVIEWS AND ASSESSMENTS OF:**

16                   **(I) HEALTH SERVICES PROVIDED TO INDIVIDUALS CONFINED**  
17 **BY ANY AGENCY;**

18                   **(II) MENTAL HEALTH SERVICES PROVIDED TO INDIVIDUALS**  
19 **CONFINED BY ANY AGENCY;**

20                   **(III) PLANS BY AGENCIES TO EXPAND, RENOVATE, OR CLOSE**  
21 **FACILITIES;**

22                   **(IV) EDUCATIONAL AND VOCATIONAL PROGRAMS FOR**  
23 **INDIVIDUALS CONFINED BY ANY AGENCY; AND**

24                   **(V) AGENCY POLICIES ON RESTRICTIVE OR PROTECTIVE**  
25 **HOUSING;**

26           **(3) COOPERATE WITH ANY AGENCY IN EFFORTS TO IMPROVE THE**  
27 **FUNCTIONING OF ANY AGENCY OR PREVENT ABUSES BY AGENCIES;**



1           (4) INSPECT ANY FACILITIES OWNED OR CONTROLLED BY ANY  
2 AGENCY TO MONITOR CONDITIONS IN THE FACILITIES;

3           (5) SEEK TO RESOLVE COMPLAINTS AGAINST AN AGENCY THROUGH  
4 MEDIATION OR OTHER CONFLICT RESOLUTION METHODS;

5           (6) MAINTAIN A WEBSITE THAT:

6                   (I) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (E) OF  
7 THIS SECTION, MAKES CURRENT AND PAST REPORTS AVAILABLE TO THE PUBLIC;  
8 AND

9                   (II) PROVIDES CONTACT INFORMATION FOR THE OFFICE OF  
10 THE CORRECTIONAL OMBUDSMAN; AND

11           (7) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE  
12 REQUIREMENTS OF THIS SUBTITLE.

13           (B) (1) THE OMBUDSMAN SHALL INVESTIGATE EACH COMPLAINT ABOUT  
14 AN ADMINISTRATIVE ACT, UNLESS THE OMBUDSMAN DETERMINES THAT:

15                   (I) THE COMPLAINT COULD BE ADDRESSED THROUGH  
16 ANOTHER PROCESS;

17                   (II) THE COMPLAINT IS TRIVIAL, FRIVOLOUS, VEXATIOUS, OR  
18 NOT MADE IN GOOD FAITH;

19                   (III) THE COMPLAINANT UNREASONABLY DELAYED IN BRINGING  
20 THE COMPLAINT;

21                   (IV) THE COMPLAINANT IS NOT PERSONALLY AFFECTED BY THE  
22 ADMINISTRATIVE ACT; OR

23                   (V) THE OMBUDSMAN LACKS SUFFICIENT RESOURCES TO  
24 INVESTIGATE THE COMPLAINT.

25           (2) THE OMBUDSMAN SHALL INFORM A COMPLAINANT OF A  
26 DECISION NOT TO INVESTIGATE A COMPLAINT.

27           (3) ON REQUEST, THE OMBUDSMAN SHALL INFORM A COMPLAINANT  
28 OF THE STATUS OF AN INVESTIGATION.

1           **(4) ON THE COMPLETION OF AN INVESTIGATION BASED ON A**  
2 **COMPLAINT, THE OMBUDSMAN SHALL INFORM THE COMPLAINANT OF ANY**  
3 **CONCLUSIONS, RECOMMENDATIONS, AND ACTIONS TAKEN IN RESPONSE TO THE**  
4 **COMPLAINT.**

5           **(C) IF THE OMBUDSMAN DETERMINES THAT AN EMPLOYEE OR AGENT OF AN**  
6 **AGENCY ACTED IN A MANNER WARRANTING CRIMINAL CHARGES OR DISCIPLINARY**  
7 **PROCEEDINGS, THE OMBUDSMAN SHALL REFER THE MATTER TO APPROPRIATE**  
8 **AUTHORITIES.**

9           **(D) AN AGENCY MAY NOT:**

10           **(1) RESTRICT THE OMBUDSMAN'S ABILITY TO:**

11                   **(I) INTERVIEW AGENCY PERSONNEL OR ANY INDIVIDUAL**  
12 **CONFINED BY AN AGENCY;**

13                   **(II) ACCESS ANY RECORDS MAINTAINED BY THE AGENCY; OR**

14                   **(III) ACCESS ANY FACILITIES OWNED OR CONTROLLED BY THE**  
15 **AGENCY;**

16           **(2) OPEN ANY CORRESPONDENCE SENT:**

17                   **(I) TO THE OMBUDSMAN BY A PERSON BEING CONFINED BY**  
18 **THE AGENCY; OR**

19                   **(II) BY THE OMBUDSMAN TO A PERSON BEING CONFINED BY**  
20 **THE AGENCY; OR**

21           **(3) INTERFERE WITH, DELAY, OR MONITOR ANY COMMUNICATION**  
22 **BETWEEN THE OMBUDSMAN AND A PERSON BEING CONFINED BY THE AGENCY.**

23           **(E) IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SUBTITLE, THE**  
24 **OMBUDSMAN SHALL TREAT ALL COMMUNICATIONS AS CONFIDENTIAL AND MAY**  
25 **REVEAL THE DETAILS OF ANY COMMUNICATION ONLY IF IT IS:**

26           **(1) NECESSARY TO CARRY OUT THE OMBUDSMAN'S DUTIES; AND**

27           **(2) DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL**  
28 **LAW.**

1           **(F) THE OMBUDSMAN MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE**  
2 **SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY**  
3 **NECESSARY TO CARRY OUT THE OMBUDSMAN'S DUTIES.**

4           **(G) THE OMBUDSMAN MAY BRING AN ACTION IN THE CIRCUIT COURT TO**  
5 **ENFORCE THE PROVISIONS OF THIS SUBTITLE.**

6 **6-705.**

7           **(A) WITHIN 30 DAYS AFTER COMPLETING AN INVESTIGATION, THE**  
8 **OMBUDSMAN SHALL SUBMIT TO AN AGENCY A REPORT CONTAINING ANY**  
9 **CONCLUSIONS, RECOMMENDATIONS, AND REQUESTS FOR A RESPONSE FROM THE**  
10 **AGENCY.**

11           **(B) IF THE REPORT SUBMITTED TO AN AGENCY UNDER THIS SECTION**  
12 **CONTAINS A REQUEST FOR A RESPONSE FROM THE AGENCY, THE AGENCY SHALL**  
13 **PROVIDE A WRITTEN RESPONSE WITHIN 30 DAYS AFTER RECEIPT OF THE REPORT.**

14           **(C) THE OMBUDSMAN MAY PROVIDE THE REPORT REQUIRED BY THIS**  
15 **SECTION, AS WELL AS ANY RESPONSES BY THE AGENCY, TO THE GOVERNOR OR, IN**  
16 **ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.**

17 **6-706.**

18           **(A) ON OR BEFORE DECEMBER 31 EACH YEAR, THE OMBUDSMAN SHALL**  
19 **REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE,**  
20 **THE GENERAL ASSEMBLY ON:**

21                   **(1) INVESTIGATIONS CONDUCTED BY THE OMBUDSMAN;**

22                   **(2) ANY ACTIONS TAKEN BY AN AGENCY AS A RESULT OF THE**  
23 **CONCLUSIONS OR RECOMMENDATIONS OF THE OMBUDSMAN; AND**

24                   **(3) ANY INSTANCE WHERE AN AGENCY REJECTS A RECOMMENDATION**  
25 **OR CONCLUSION OF THE OMBUDSMAN.**

26           **(B) IN ADDITION TO THE REPORT REQUIRED BY SUBSECTION (A) OF THIS**  
27 **SECTION, THE OMBUDSMAN SHALL PROVIDE TO THE GOVERNOR AND, IN**  
28 **ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ANY**  
29 **OTHER REPORTS THAT THE GOVERNOR OR THE GENERAL ASSEMBLY MAY REQUIRE.**

30           **(C) A REPORT PREPARED UNDER THIS SECTION SHALL BE PUBLISHED ON**  
31 **THE OMBUDSMAN'S WEBSITE.**

1 **6-707.**

2 (A) IN THIS SECTION, "BOARD" MEANS THE CORRECTIONAL OMBUDSMAN  
3 ADVISORY BOARD.

4 (B) THERE IS A CORRECTIONAL OMBUDSMAN ADVISORY BOARD.

5 (C) THE PURPOSE OF THE BOARD IS TO PROVIDE INFORMATION TO THE  
6 OMBUDSMAN AND ASSIST THE OMBUDSMAN IN IDENTIFYING APPROPRIATE  
7 MATTERS TO INVESTIGATE.

8 (D) THE BOARD SHALL CONSIST OF 10 MEMBERS APPOINTED BY THE  
9 ATTORNEY GENERAL.

10 (E) TO THE EXTENT PRACTICABLE, THE ATTORNEY GENERAL SHALL  
11 ENSURE THAT THE MEMBERSHIP OF THE BOARD INCLUDES REPRESENTATIVES OF:

12 (1) FAMILY MEMBERS OF CONFINED INDIVIDUALS;

13 (2) RETURNING CITIZENS;

14 (3) NONSUPERVISORY CORRECTIONAL OFFICERS;

15 (4) MEMBERS OF THE PUBLIC WITH A DEMONSTRATED INTEREST IN  
16 CORRECTIONS; AND

17 (5) INDIVIDUALS WITH BACKGROUNDS IN HEALTH CARE AND SOCIAL  
18 WORK.

19 (F) THE OFFICE OF THE CORRECTIONAL OMBUDSMAN SHALL PROVIDE  
20 STAFF FOR THE BOARD.

21 **6-708.**

22 (A) A PERSON MAY NOT, BY THREAT, FORCE, OR CORRUPT MEANS,  
23 OBSTRUCT, IMPEDE, OR TRY TO OBSTRUCT THE LAWFUL EXERCISE OF THE  
24 OMBUDSMAN'S POWERS.

25 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
26 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A  
27 FINE NOT EXCEEDING \$10,000 OR BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
2 Assembly that the Governor shall include in the State budget for fiscal year 2024 and each  
3 subsequent fiscal year an appropriation in an amount sufficient to fund the provisions of  
4 this Act and to provide for at least two staff members of the Office of the Correctional  
5 Ombudsman in 2024 and at least seven staff members of the Office in 2025 and each  
6 subsequent fiscal year.

7 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31,  
8 2023, the Correctional Ombudsman and the Commission on Correctional Standards shall  
9 submit a joint report to the Governor and, in accordance with § 2–1257 of the State  
10 Government Article, the General Assembly detailing how the Office of the Correctional  
11 Ombudsman and the Commission will coordinate in order to avoid overlap in their duties.

12 SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 31,  
13 2023, the Mediation and Conflict Resolution Office shall report to the Correctional  
14 Ombudsman, the Governor, and, in accordance with § 2–1257 of the State Government  
15 Article, the General Assembly on best practices for mediating grievances in the corrections  
16 system.

17 SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General  
18 Assembly that, in its first year of operation, the Office of the Correctional Ombudsman  
19 focus its activities primarily on those State correctional facilities located in the area of  
20 Jessup, Maryland.

21 SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of the General  
22 Assembly that, in its first year of operation, the Office of the Correctional Ombudsman  
23 conduct an audit of programming and services provided by the Division of Corrections since  
24 fiscal year 2019. This audit shall include, among other things, an examination of:

- 25 (1) inmates' rates of participation in:
- 26 (i) educational and vocational training;
- 27 (ii) evidence-based behavioral health and substance abuse  
28 counseling; and
- 29 (iii) mentoring and reentry programs; and
- 30 (2) any obstacles to inmates' participation in programs provided by the  
31 Division.

32 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2023.