

# SENATE BILL 87

P1, E5  
SB 512/22 – JPR

(PRE-FILED)

3lr0893  
CF HB 64

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By: **Senators Hettleman and West**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 18, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

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~~ 6–707 to be under the new subtitle “Subtitle 7.  
21 Correctional Ombudsman Unit”  
22 Annotated Code of Maryland

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### 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.



(2021 Replacement Volume and 2022 Supplement)

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

**Article – Correctional Services**

8–114.

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

(2) The compliance plan shall state:

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

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

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

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

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

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

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

(2) The letter of reprimand shall state:

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

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

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

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

2 (I) the executive and legislative body responsible for the correctional  
3 facility; AND

4 (II) **THE CORRECTIONAL OMBUDSMAN UNIT.**

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

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

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

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

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

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

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

20 (iv) whether the correctional facility is following the required policies  
21 and procedures.

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

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

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

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

1 (ii) The letter shall contain:

- 2 1. a copy of the audit findings, including details on all areas  
3 where the correctional facility fails to comply with the minimum mandatory standards;
- 4 2. a statement of what actions the correctional facility must  
5 take in order to comply with the audit findings;
- 6 3. a date when the correctional facility must comply with the  
7 audit findings; and
- 8 4. a statement that the Commission will conduct an  
9 unannounced inspection of the correctional facility within a reasonable amount of time  
10 after the date specified for compliance and that if the correctional facility fails to comply,  
11 the Commission may seek a court order requiring compliance or order all or part of the  
12 correctional facility to cease operations.

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

- 14 1. the executive and legislative bodies responsible for the  
15 correctional facility; **AND**
- 16 2. **THE CORRECTIONAL OMBUDSMAN UNIT.**

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

20 (II) **ON REQUEST BY THE COMMISSION, THE CORRECTIONAL**  
21 **OMBUDSMAN UNIT SHALL CONDUCT AN UNANNOUNCED INSPECTION TO VERIFY**  
22 **THAT THE CORRECTIONAL FACILITY HAS COMPLIED WITH THE AUDIT FINDINGS.**

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

- 26 (i) petition a circuit court with venue over the proceeding for a court  
27 order requiring the correctional facility to comply with the audit findings; or
- 28 (ii) issue an order to cease operation of the correctional facility or  
29 any of its correctional elements, procedures, or functions.

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

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

8–117.

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

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

**Article – State Government**

**SUBTITLE 7. CORRECTIONAL OMBUDSMAN UNIT.**

**6–701.**

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

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

(C) (1) “AGENCY” MEANS:

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

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

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

(IV) ANY OFFICER, EMPLOYEE, OR ADMINISTRATIVE HEARING EXAMINER OF THE STATE OR A UNIT OF LOCAL GOVERNMENT WHO IS ACTING OR PURPORTING TO ACT IN RELATION TO INDIVIDUALS CONFINED BY OR UNDER THE

1 SUPERVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL  
2 SERVICES.

3 (2) "AGENCY" DOES NOT INCLUDE:

4 (I) A JUDGE, AS DEFINED BY § 1-101 OF THE COURTS ~~ARTICLE;~~  
5 ARTICLE, OR ANY OTHER EMPLOYEE OF THE JUDICIARY;

6 (II) THE GENERAL ASSEMBLY OR ANY MEMBER, EMPLOYEE, OR  
7 COMMITTEE OF THE GENERAL ASSEMBLY; OR

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

9 ~~(D) "OMBUDSMAN" MEANS THE CORRECTIONAL OMBUDSMAN.~~

10 ~~(E)~~ (D) "RECORDS" MEANS ALL MATERIALS, REGARDLESS OF PHYSICAL  
11 FORM OR CHARACTERISTICS, CREATED, GENERATED, RECORDED, RECEIVED,  
12 POSSESSED, OR CONTROLLED BY OR ON BEHALF OF ANY AGENCY.

13 (E) "UNIT" MEANS THE CORRECTIONAL OMBUDSMAN UNIT IN THE OFFICE  
14 OF THE ATTORNEY GENERAL.

15 6-702.

16 THERE IS A CORRECTIONAL OMBUDSMAN UNIT IN THE OFFICE OF THE  
17 ATTORNEY GENERAL.

18 6-703.

19 ~~(A) (1) THE ATTORNEY GENERAL SHALL APPOINT THE OMBUDSMAN~~  
20 ~~WITH THE ADVICE AND CONSENT OF THE SENATE.~~

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

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

24 ~~(4) THE ATTORNEY GENERAL OR THE GENERAL ASSEMBLY, WITH~~  
25 ~~THE VOTE OF A TWO THIRDS MAJORITY OF EACH CHAMBER, MAY REMOVE THE~~  
26 ~~OMBUDSMAN ONLY FOR:~~

27 ~~(I) MISCONDUCT IN OFFICE;~~

28 ~~(II) A FELONY CONVICTION; OR~~

1 ~~(H) A PERSISTENT FAILURE BY THE OMBUDSMAN TO PERFORM~~  
2 ~~THE DUTIES OF THE OFFICE.~~

3 ~~(B) THE OMBUDSMAN SHALL BE AN INDIVIDUAL:~~

4 ~~(1) WITH RECOGNIZED JUDGMENT AND OBJECTIVITY;~~

5 ~~(2) WHO HAS DEMONSTRATED INTEREST AND EXPERIENCE IN ISSUES~~  
6 ~~RELATED TO CORRECTIONS;~~

7 ~~(3) WHO POSSESSES SKILL IN ANALYZING LAW, ADMINISTRATION,~~  
8 ~~AND PUBLIC POLICY; AND~~

9 ~~(4) WITH EXPERIENCE IN AT LEAST ONE OF THE FOLLOWING AREAS:~~

10 ~~(I) LAW;~~

11 ~~(II) AUDITING;~~

12 ~~(III) GOVERNMENT OPERATIONS;~~

13 ~~(IV) INVESTIGATIONS;~~

14 ~~(V) SOCIAL WORK; OR~~

15 ~~(VI) CONFLICT RESOLUTION.~~

16 ~~(C) WHILE SERVING AS OMBUDSMAN, AN INDIVIDUAL MAY NOT:~~

17 ~~(1) BE ACTIVELY INVOLVED WITH ANY POLITICAL ACTIVITIES;~~

18 ~~(2) PUBLICLY ENDORSE, SOLICIT FUNDS FOR, OR MAKE~~  
19 ~~CONTRIBUTIONS TO A POLITICAL PARTY OR CANDIDATE FOR ELECTIVE OFFICE;~~

20 ~~(3) BE A CANDIDATE FOR OR HOLD ANY ELECTIVE OR APPOINTED~~  
21 ~~OFFICE; OR~~

22 ~~(4) ENGAGE IN ANY OTHER OCCUPATION, BUSINESS, OR PROFESSION~~  
23 ~~LIKELY TO:~~

24 ~~(I) DETRACT FROM THE FULL TIME PERFORMANCE OF THE~~  
25 ~~OMBUDSMAN'S DUTIES;~~

26 ~~(II) RESULT IN A CONFLICT OF INTEREST; OR~~

~~(H) RESULT IN THE APPEARANCE OF IMPROPRIETY.~~

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

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

(A) THE UNIT SHALL INCLUDE:

(1) A FULL-TIME CORRECTIONAL OMBUDSMAN; AND

(2) STAFF AS PROVIDED IN THE STATE BUDGET.

(B) (1) THE ATTORNEY GENERAL SHALL APPOINT THE CORRECTIONAL OMBUDSMAN WITH THE ADVICE AND CONSENT OF THE SENATE.

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

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

~~(B)~~ (C) SALARIES OF THE OMBUDSMAN AND STAFF AND EXPENSES FOR RENT, EQUIPMENT, SUPPLIES, AND GENERAL OPERATING EXPENSES NECESSARY FOR THE WORK OF THE UNIT SHALL BE AS PROVIDED IN THE STATE BUDGET.

~~(C)~~ (D) IN COOPERATION WITH THE SECRETARY OF BUDGET AND MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES, QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS WITH THE UNIT.

**6-704.**

(A) ~~THE OMBUDSMAN~~ UNIT, IN RESPONSE TO A COMPLAINT OR ON THE OMBUDSMAN'S INITIATIVE, SHALL:

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

(I) CONTRARY TO LAW OR REGULATION;

(II) BASED ON A MISTAKE OF FACT;



1 (III) UNSUPPORTED BY SUFFICIENT EVIDENCE;

2 (IV) PERFORMED IN AN INEFFICIENT MANNER;

3 (V) UNREASONABLE UNDER THE TOTALITY OF THE  
4 CIRCUMSTANCES; OR

5 (VI) OTHERWISE ERRONEOUS;

6 (2) CONDUCT INDEPENDENT REVIEWS AND ASSESSMENTS OF:

7 (I) HEALTH SERVICES SERVICES, INCLUDING SUBSTANCE  
8 ABUSE ASSESSMENTS AND TREATMENT PROVIDED TO INDIVIDUALS CONFINED BY  
9 ANY AGENCY;

10 (II) MENTAL HEALTH SERVICES PROVIDED TO INDIVIDUALS  
11 CONFINED BY ANY AGENCY;

12 (III) PLANS BY AGENCIES TO EXPAND, RENOVATE, OR CLOSE  
13 FACILITIES;

14 (IV) EDUCATIONAL AND VOCATIONAL PROGRAMS FOR  
15 INDIVIDUALS CONFINED BY ANY AGENCY; AND

16 (V) AGENCY POLICIES ON RESTRICTIVE OR PROTECTIVE  
17 HOUSING;

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

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

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

24 (6) MAINTAIN A WEBSITE THAT:

25 (I) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (E) OF  
26 THIS SECTION, MAKES CURRENT AND PAST REPORTS AVAILABLE TO THE PUBLIC;  
27 AND

28 (II) PROVIDES CONTACT INFORMATION FOR ~~THE OFFICE OF~~  
29 THE CORRECTIONAL OMBUDSMAN UNIT; AND

1           **(7) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE**  
2 **REQUIREMENTS OF THIS SUBTITLE.**

3           **(B) (1) THE ~~OMBUDSMAN~~ UNIT SHALL INVESTIGATE EACH COMPLAINT**  
4 **ABOUT AN ADMINISTRATIVE ACT, UNLESS THE ~~OMBUDSMAN~~ UNIT DETERMINES**  
5 **THAT:**

6                   **(I) THE COMPLAINT COULD BE ADDRESSED THROUGH**  
7 **ANOTHER PROCESS;**

8                   **(II) THE COMPLAINT IS TRIVIAL, FRIVOLOUS, VEXATIOUS, OR**  
9 **NOT MADE IN GOOD FAITH;**

10                   **(III) THE COMPLAINANT UNREASONABLY DELAYED IN BRINGING**  
11 **THE COMPLAINT;**

12                   **(IV) THE COMPLAINANT IS NOT PERSONALLY AFFECTED BY THE**  
13 **ADMINISTRATIVE ACT; OR**

14                   **(V) THE ~~OMBUDSMAN~~ UNIT LACKS SUFFICIENT RESOURCES TO**  
15 **INVESTIGATE THE COMPLAINT.**

16           **(2) THE ~~OMBUDSMAN~~ UNIT SHALL INFORM A COMPLAINANT OF A**  
17 **DECISION NOT TO INVESTIGATE A COMPLAINT.**

18           **(3) ON REQUEST, THE ~~OMBUDSMAN~~ UNIT SHALL INFORM A**  
19 **COMPLAINANT OF THE STATUS OF AN INVESTIGATION.**

20           **(4) ON THE COMPLETION OF AN INVESTIGATION BASED ON A**  
21 **COMPLAINT, THE ~~OMBUDSMAN~~ UNIT SHALL INFORM THE COMPLAINANT OF ANY**  
22 **CONCLUSIONS, RECOMMENDATIONS, AND ACTIONS TAKEN IN RESPONSE TO THE**  
23 **COMPLAINT.**

24           **(C) IF THE ~~OMBUDSMAN~~ UNIT DETERMINES THAT AN EMPLOYEE OR AGENT**  
25 **OF AN AGENCY ACTED IN A MANNER WARRANTING CRIMINAL CHARGES OR**  
26 **DISCIPLINARY PROCEEDINGS, THE ~~OMBUDSMAN~~ UNIT SHALL REFER THE MATTER**  
27 **TO APPROPRIATE AUTHORITIES.**

28           **(D) ~~AN AGENCY MAY NOT~~ THE UNIT MAY:**

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

30                   **~~(A)~~ INTERVIEW AGENCY PERSONNEL OR ANY INDIVIDUAL**  
31 **CONFINED BY AN AGENCY;**

1                    ~~(H)~~ (2)            ACCESS ANY RECORDS MAINTAINED BY THE AGENCY;  
2 ~~OR~~

3                    ~~(H)~~ (3)            ACCESS ANY FACILITIES OWNED OR CONTROLLED BY  
4 THE AGENCY;

5                    ~~(2)~~ (4)            OPEN ANY CORRESPONDENCE SENT:

6                    (I)            TO THE ~~OMBUDSMAN~~ UNIT BY A PERSON BEING CONFINED  
7 BY THE AGENCY; OR

8                    (II)            BY THE ~~OMBUDSMAN~~ UNIT TO A PERSON BEING CONFINED  
9 BY THE AGENCY; ~~OR~~ AND

10                    ~~(3)~~ (5)            ~~INTERFERE WITH, DELAY, OR MONITOR ANY~~  
11 ~~COMMUNICATION BETWEEN THE OMBUDSMAN AND A PERSON BEING CONFINED BY~~  
12 ~~THE AGENCY~~ REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES, AND  
13 GRIEVANCE DISPOSITIONS BY THE AGENCY.

14                    (E)            IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SUBTITLE, THE  
15 ~~OMBUDSMAN~~ UNIT SHALL TREAT ALL COMMUNICATIONS AS CONFIDENTIAL AND  
16 MAY REVEAL THE DETAILS OF ANY COMMUNICATION ONLY IF IT IS:

17                    (1)            NECESSARY TO CARRY OUT THE ~~OMBUDSMAN'S~~ UNIT'S DUTIES;  
18 AND

19                    (2)            DONE IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL  
20 LAW.

21                    ~~(F)            THE OMBUDSMAN MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE~~  
22 ~~SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY~~  
23 ~~NECESSARY TO CARRY OUT THE OMBUDSMAN'S DUTIES.~~

24                    ~~(G)            THE OMBUDSMAN MAY BRING AN ACTION IN THE CIRCUIT COURT TO~~  
25 ~~ENFORCE THE PROVISIONS OF THIS SUBTITLE.~~

26 **6-705.**

27                    (A)            WITHIN 30 DAYS AFTER COMPLETING AN INVESTIGATION, THE  
28 ~~OMBUDSMAN~~ UNIT SHALL SUBMIT TO AN AGENCY A REPORT CONTAINING ANY  
29 CONCLUSIONS, RECOMMENDATIONS, AND REQUESTS FOR A RESPONSE FROM THE  
30 AGENCY.

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

4 (C) THE ~~OMBUDSMAN~~ UNIT MAY PROVIDE THE REPORT REQUIRED BY THIS  
5 SECTION, AS WELL AS ANY RESPONSES BY THE AGENCY, TO THE GOVERNOR OR, IN  
6 ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY.

7 6-706.

8 (A) ON OR BEFORE DECEMBER 31 EACH YEAR, THE ~~OMBUDSMAN~~ UNIT  
9 SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THIS  
10 ARTICLE, THE GENERAL ASSEMBLY ON:

11 (1) INVESTIGATIONS CONDUCTED BY THE ~~OMBUDSMAN~~ UNIT;

12 (2) ANY ACTIONS TAKEN BY AN AGENCY AS A RESULT OF THE  
13 CONCLUSIONS OR RECOMMENDATIONS OF THE ~~OMBUDSMAN~~ UNIT; AND

14 (3) ANY INSTANCE WHERE AN AGENCY REJECTS A RECOMMENDATION  
15 OR CONCLUSION OF THE ~~OMBUDSMAN~~ UNIT.

16 (B) IN ADDITION TO THE REPORT REQUIRED BY SUBSECTION (A) OF THIS  
17 SECTION, THE ~~OMBUDSMAN~~ UNIT SHALL PROVIDE TO THE GOVERNOR AND, IN  
18 ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ANY  
19 OTHER REPORTS THAT THE GOVERNOR OR THE GENERAL ASSEMBLY MAY REQUIRE.

20 (C) A REPORT PREPARED UNDER THIS SECTION SHALL BE PUBLISHED ON  
21 THE ~~OMBUDSMAN'S~~ UNIT'S WEBSITE.

22 6-707.

23 (A) IN THIS SECTION, "BOARD" MEANS THE CORRECTIONAL OMBUDSMAN  
24 ADVISORY BOARD.

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

26 (C) THE PURPOSE OF THE BOARD IS TO PROVIDE INFORMATION TO THE  
27 ~~OMBUDSMAN~~ UNIT AND ASSIST THE ~~OMBUDSMAN~~ UNIT IN IDENTIFYING  
28 APPROPRIATE MATTERS TO INVESTIGATE.

29 (D) THE BOARD SHALL CONSIST OF 10 MEMBERS APPOINTED BY THE  
30 ATTORNEY GENERAL.

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

3 (1) FAMILY MEMBERS OF CONFINED INDIVIDUALS;

4 (2) RETURNING CITIZENS;

5 (3) NONSUPERVISORY CORRECTIONAL OFFICERS;

6 (4) MEMBERS OF THE PUBLIC WITH A DEMONSTRATED INTEREST IN  
7 CORRECTIONS; AND

8 (5) INDIVIDUALS WITH BACKGROUNDS IN HEALTH CARE AND SOCIAL  
9 WORK.

10 (F) ~~THE OFFICE OF THE CORRECTIONAL OMBUDSMAN~~ UNIT SHALL  
11 PROVIDE STAFF FOR THE BOARD.

12 ~~6-708.~~

13 ~~(A) A PERSON MAY NOT, BY THREAT, FORCE, OR CORRUPT MEANS,~~  
14 ~~OBSTRUCT, IMPEDE, OR TRY TO OBSTRUCT THE LAWFUL EXERCISE OF THE~~  
15 ~~OMBUDSMAN'S POWERS.~~

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
20 Assembly that the Governor shall include in the State budget for fiscal year 2024 and each  
21 subsequent fiscal year an appropriation in an amount sufficient to fund the provisions of  
22 this Act and to provide for at least two staff members of the ~~Office of the~~ Correctional  
23 Ombudsman Unit in 2024 and at least seven staff members of the ~~Office~~ Unit in 2025 and  
24 each subsequent fiscal year.

25 SECTION 3. AND BE IT FURTHER ENACTED, That on or before December 31,  
26 2023, the Correctional Ombudsman Unit and the Commission on Correctional Standards  
27 shall submit a joint report to the Governor and, in accordance with § 2-1257 of the State  
28 Government Article, the General Assembly detailing how the ~~Office of the~~ Correctional  
29 Ombudsman Unit and the Commission will coordinate in order to avoid overlap in their  
30 duties.

31 SECTION 4. AND BE IT FURTHER ENACTED, That on or before December 31,  
32 2023, the Mediation and Conflict Resolution Office shall report to the Correctional  
33 Ombudsman Unit, the Governor, and, in accordance with § 2-1257 of the State Government

1 Article, the General Assembly on best practices for mediating grievances in the corrections  
2 system.

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

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

- 11 (1) inmates' rates of participation in:
- 12 (i) educational and vocational training;
- 13 (ii) evidence-based behavioral health and substance abuse  
14 counseling; and
- 15 (iii) mentoring and reentry programs; and
- 16 (2) any obstacles to inmates' participation in programs provided by the  
17 Division.

18 SECTION 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2023.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.