

HOUSE BILL 297

P1, E5
HB 64/23 – JUD & HGO

4lr1316
CF SB 134

By: **Delegates Davis, Bartlett, Crutchfield, and J. Long**

Introduced and read first time: January 15, 2024

Assigned to: Judiciary and Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2024

CHAPTER _____

1 AN ACT concerning

2 **Office of the ~~Attorney General~~ – Correctional Ombudsman ~~Unit~~ – Establishment**
3 **and Funding**

4 FOR the purpose of establishing the Office of the Correctional Ombudsman ~~Unit in the~~
5 ~~Office of the Attorney General~~; authorizing the Justice Reinvestment Oversight
6 Board to make a recommendation for the distribution of money from the Performance
7 Incentive Grant Fund to the Office for a certain fiscal year; requiring the ~~Unit~~ Office
8 to conduct investigations, reviews, and assessments of administrative acts taken by
9 the Department of Public Safety and Correctional Services, the Department of
10 Juvenile Services, or in relation to individuals confined by ~~the Department~~ either
11 department; requiring the ~~Unit~~ Office to refer certain matters for criminal charges
12 or disciplinary proceedings; providing for the confidentiality of certain
13 communications with the Ombudsman; establishing the Correctional Ombudsman
14 Advisory Board; transferring the Juvenile Justice Monitoring Unit of the Office of
15 the Attorney General into the Office of the Correctional Ombudsman; authorizing
16 the Unit to subpoena an individual to give sworn testimony or produce documentary
17 evidence; prohibiting certain reprisals against employees of the Department of
18 Public Safety and Correctional Services or the Department of Juvenile Services who
19 provide certain information to the ~~Unit~~ Office; requiring the ~~Unit~~ Office to conduct
20 certain activities; and generally relating to the Office of the Correctional
21 Ombudsman ~~Unit~~.

22 BY renumbering

23 Article – State Government

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 Section 6–401 through 6–406 and the subtitle “Subtitle 4. Juvenile Justice
2 Monitoring Unit”
3 to be Section 9–3811 through 9–3816, respectively, and the part “Part II. Juvenile
4 Justice Monitoring Unit”
5 Annotated Code of Maryland
6 (2021 Replacement Volume and 2023 Supplement)
- 7 BY repealing and reenacting, without amendments,
8 Article – State Government
9 Section 9–3201
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)
- 12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 9–3207(b)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)
- 17 BY adding to
18 Article – State Government
19 Section ~~6–901 through 6–907~~ 9–3801 through 9–3808 to be under the new subtitle
20 “Subtitle ~~9~~ 38. Office of the Correctional Ombudsman ~~Unit~~” and the part “Part
21 I. Established”
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2023 Supplement)
- 24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 9–3811 through 9–3813 and 9–3815
27 Annotated Code of Maryland
28 (2021 Replacement Volume and 2023 Supplement)
29 (As enacted by Section 1 of this Act)
- 30 BY repealing and reenacting, without amendments,
31 Article – State Government
32 Section 9–3814 and 9–3816(a)
33 Annotated Code of Maryland
34 (2021 Replacement Volume and 2023 Supplement)
35 (As enacted by Section 1 of this Act)
- 36 BY repealing and reenacting, with amendments,
37 Article – State Personnel and Pensions
38 Section 5–305
39 Annotated Code of Maryland
40 (2015 Replacement Volume and 2023 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That Section(s) 6–401 through 6–406 and the subtitle “Subtitle 4. Juvenile Justice
3 Monitoring Unit” of Article – State Government of the Annotated Code of Maryland be
4 renumbered to be Section(s) 9–3811 through 9–3816, respectively, and the part “Part II.
5 Juvenile Justice Monitoring Unit”.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
7 as follows:

8 **Article – State Government**

9 9–3201.

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

11 (b) “Board” means the Justice Reinvestment Oversight Board.

12 (c) “Executive Director” means the Executive Director of the Governor’s Office of
13 Crime Prevention, Youth, and Victim Services.

14 (d) “Fund” means the Performance Incentive Grant Fund established in § 9–3209
15 of this subtitle.

16 9–3207.

17 (b) (1) In collaboration with the Department of Public Safety and Correctional
18 Services, the Board shall determine the annual savings from the implementation of the
19 recommendations of the Justice Reinvestment Coordinating Council based on the
20 difference between the prison population as measured on October 1, 2017, the baseline day,
21 and the prison population as measured on October 1, 2018, the comparison day, and the
22 variable cost of incarceration.

23 (2) If the prison population on the comparison day is less than the prison
24 population on the baseline day, the Board shall determine a savings based on the difference
25 in the prison population multiplied by the variable cost.

26 (3) The Board annually shall determine the difference between the prison
27 population on October 1, 2017, and the prison population on October 1 of the current year
28 and calculate any savings in accordance with paragraph (2) of this subsection.

29 (4) If a prison population decline causes a correctional unit, wing, or facility
30 to close, the Board shall conduct an assessment to determine the savings from the closure
31 and distribute the savings, realized annually, according to the schedule in paragraph (5) of
32 this subsection.

33 (5) The Board annually shall recommend that the savings identified in
34 paragraphs (2) through (4) of this subsection be distributed as follows:

1 (i) up to 50% of the savings shall be placed in the Performance
 2 Incentive Grant Fund for purposes established under § 9–3209(b)(1) of this subtitle; and

3 (ii) subject to paragraph (6) of this subsection, the remaining savings
 4 shall be used for additional services identified as reinvestment priorities in the Justice
 5 Reinvestment Coordinating Council’s Final Report.

6 (6) The Board may recommend that a portion of the remaining savings
 7 identified under paragraph (5)(ii) of this subsection be:

8 (I) used for the development and implementation of a
 9 post–secondary education and workforce training program for each correctional institution
 10 in the Division of Correction that provides inmates with the requisite training,
 11 certifications, and experience to obtain careers in in–demand job sectors; OR

12 (II) FOR FISCAL YEAR 2025 ONLY, DISTRIBUTED TO THE OFFICE
 13 OF THE CORRECTIONAL OMBUDSMAN.

14 **SUBTITLE ~~9~~ 38. OFFICE OF THE CORRECTIONAL OMBUDSMAN UNIT.**

15 **PART I. ESTABLISHED.**

16 **~~6–901.~~ 9–3801.**

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

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

23 (C) (1) “AGENCY” MEANS:

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

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

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

1 ~~DEPARTMENT~~ THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 2 SERVICES; OR

3 (IV) ANY OFFICER, EMPLOYEE, OR ADMINISTRATIVE HEARING
 4 EXAMINER OF THE STATE OR A UNIT OF LOCAL GOVERNMENT WHO IS ACTING OR
 5 PURPORTING TO ACT IN RELATION TO INDIVIDUALS CONFINED BY OR UNDER THE
 6 SUPERVISION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
 7 SERVICES.

8 (2) "AGENCY" DOES NOT INCLUDE:

9 (I) A JUDGE, AS DEFINED IN § 1-101 OF THE COURTS ARTICLE,
 10 OR ANY OTHER EMPLOYEE OF THE JUDICIARY;

11 (II) THE GENERAL ASSEMBLY OR ANY MEMBER, EMPLOYEE, OR
 12 COMMITTEE OF THE GENERAL ASSEMBLY; OR

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

14 (D) (1) "COMPLAINT" MEANS ANY COMMUNICATION:

15 (I) FROM OR ON BEHALF OF AN INDIVIDUAL CONFINED BY OR
 16 UNDER THE SUPERVISION OF AN AGENCY; AND

17 (II) ALLEGING A VIOLATION OF THE INDIVIDUAL'S RIGHTS OR
 18 ANY APPLICABLE LAW, REGULATION, OR STANDARD:

19 1. BY THE AGENCY; AND

20 2. THAT IMPACTED THE INDIVIDUAL.

21 (2) "COMPLAINT" DOES NOT INCLUDE A DISCIPLINARY PROCEEDING
 22 OF AN INCARCERATED INDIVIDUAL.

23 (E) "OFFICE" MEANS THE OFFICE OF THE CORRECTIONAL OMBUDSMAN.

24 (F) "RECORDS" MEANS ALL MATERIALS, REGARDLESS OF PHYSICAL FORM
 25 OR CHARACTERISTICS, CREATED, GENERATED, RECORDED, RECEIVED, POSSESSED,
 26 OR CONTROLLED BY OR ON BEHALF OF ANY AGENCY.

27 ~~(F) "UNIT" MEANS THE CORRECTIONAL OMBUDSMAN UNIT IN THE OFFICE~~
 28 ~~OF THE ATTORNEY GENERAL.~~

29 ~~6-902.~~ 9-3802.

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, INCLUDING SUBSTANCE ~~ABUSE~~ USE
8 DISORDER ASSESSMENTS AND TREATMENT, PROVIDED TO INDIVIDUALS CONFINED
9 BY 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 ~~UNIT~~ OFFICE;
29 AND

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

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

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

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

9 (III) THE COMPLAINANT UNREASONABLY DELAYED IN BRINGING
10 THE COMPLAINT; OR

11 (IV) ~~THE COMPLAINANT IS NOT PERSONALLY AFFECTED BY THE~~
12 ~~ADMINISTRATIVE ACT; OR~~

13 ~~(V)~~ THE UNIT OFFICE LACKS SUFFICIENT RESOURCES TO
14 INVESTIGATE THE COMPLAINT.

15 (2) THE UNIT OFFICE SHALL PROMPTLY INFORM A COMPLAINANT OF
16 A DECISION NOT TO INVESTIGATE A COMPLAINT.

17 (3) ON REQUEST, THE UNIT OFFICE SHALL PROMPTLY INFORM A
18 COMPLAINANT OF THE STATUS OF AN INVESTIGATION.

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

23 (C) ~~(1)~~ IF THE UNIT OFFICE DETERMINES THAT AN EMPLOYEE OR AGENT
24 OF AN AGENCY ACTED IN A MANNER WARRANTING CRIMINAL CHARGES OR
25 DISCIPLINARY PROCEEDINGS, THE UNIT OFFICE SHALL PROMPTLY REFER THE
26 MATTER TO APPROPRIATE AUTHORITIES.

27 ~~(2) IF THE UNIT REFERS THE MATTER TO THE OFFICE OF THE~~
28 ~~ATTORNEY GENERAL, A SPECIAL ASSISTANT SHALL BE APPOINTED TO REVIEW THE~~
29 ~~MATTER.~~

30 (D) THE UNIT OFFICE MAY:

1 (1) INTERVIEW AGENCY PERSONNEL OR ANY INDIVIDUAL CONFINED
2 BY AN AGENCY;

3 (2) ACCESS ANY RECORDS MAINTAINED BY AN AGENCY;

4 (3) PERFORM UNANNOUNCED SITE VISITS AND ON-SITE INSPECTIONS
5 OF FACILITIES MAINTAINED BY AN AGENCY;

6 (4) RECEIVE AND RESPOND TO COMPLAINTS WITHOUT
7 INTERCEPTION, REVIEW, OR INTERFERENCE BY AN AGENCY;

8 ~~(5) SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE SWORN~~
9 ~~TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY~~
10 ~~NECESSARY TO CARRY OUT THE UNIT'S DUTIES;~~

11 ~~(6)~~ (6) REVIEW ALL REPORTS OF DISCIPLINARY ACTIONS, GRIEVANCES,
12 AND GRIEVANCE DISPOSITIONS BY THE AGENCY; AND

13 ~~(7)~~ (6) COLLABORATE WITH ANY AGENCY OR ANY UNIT OF STATE
14 GOVERNMENT TO INVESTIGATE COMPLAINTS OR ANY ALLEGED INJURY, NEGLECT,
15 OR DEATH OF AN INDIVIDUAL CONFINED BY OR UNDER THE SUPERVISION OF AN
16 AGENCY.

17 (E) (1) THE OFFICE MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE
18 SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY
19 NECESSARY TO CARRY OUT THE OFFICE'S DUTIES.

20 (2) IF AN INDIVIDUAL FAILS OR REFUSES TO COMPLY WITH A
21 SUBPOENA ISSUED BY THE OFFICE, A COURT OF COMPETENT JURISDICTION, ON THE
22 APPLICATION OF THE OFFICE, MAY ISSUE AN ATTACHMENT FOR THE INDIVIDUAL
23 AND COMPEL THE INDIVIDUAL TO COMPLY WITH THE SUBPOENA, APPEAR BEFORE
24 THE OFFICE, AND PRODUCE DOCUMENTARY EVIDENCE FOR EXAMINATION AND GIVE
25 TESTIMONY.

26 (3) IF AN INDIVIDUAL DISOBEYS A SUBPOENA OR REFUSES TO
27 TESTIFY, THE COURT MAY PUNISH THE INDIVIDUAL FOR CONTEMPT.

28 ~~(E)~~ (F) IN PERFORMING THE DUTIES ASSIGNED UNDER THIS SUBTITLE,
29 ~~THE UNIT OFFICE AND THE OFFICE OF THE ATTORNEY GENERAL~~ SHALL TREAT ALL
30 COMPLAINTS AS CONFIDENTIAL AND MAY REVEAL THE DETAILS OF ANY
31 COMPLAINTS ONLY IF IT IS:

32 (1) NECESSARY TO CARRY OUT THE ~~UNIT'S~~ OFFICE'S DUTIES; AND

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

3 ~~6-905.~~ 9-3805.

4 (A) WITHIN 30 DAYS AFTER COMPLETING AN INVESTIGATION, THE ~~UNIT~~
5 OFFICE SHALL SUBMIT TO AN AGENCY A REPORT CONTAINING ANY CONCLUSIONS,
6 RECOMMENDATIONS, AND REQUESTS FOR A RESPONSE FROM THE AGENCY.

7 (B) IF THE REPORT SUBMITTED TO AN AGENCY UNDER THIS SECTION
8 CONTAINS A REQUEST FOR A RESPONSE FROM THE AGENCY, THE AGENCY SHALL
9 PROVIDE A WRITTEN RESPONSE WITHIN ~~30~~ 45 DAYS AFTER RECEIPT OF THE
10 REPORT.

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

14 ~~6-906.~~ 9-3806.

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

18 (1) INVESTIGATIONS CONDUCTED BY THE ~~UNIT~~ OFFICE;

19 (2) ANY ACTIONS TAKEN BY AN AGENCY AS A RESULT OF THE
20 CONCLUSIONS OR RECOMMENDATIONS OF THE ~~UNIT~~ OFFICE;

21 (3) ANY INSTANCE WHERE AN AGENCY REJECTS A RECOMMENDATION
22 OR CONCLUSION OF THE ~~UNIT~~ OFFICE; AND

23 (4) INFORMATION ON ANY DEATH OF AN INDIVIDUAL CONFINED BY OR
24 UNDER THE CARE OF AN AGENCY.

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

29 (C) A REPORT PREPARED UNDER THIS SECTION SHALL BE PUBLISHED ON
30 THE ~~UNIT'S~~ OFFICE'S WEBSITE.

31 ~~6-907.~~ 9-3807.

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

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

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

7 (C) THE PURPOSES OF THE BOARD ARE TO:

8 (1) PROVIDE INFORMATION TO THE OFFICE; AND

9 (2) ASSIST THE OFFICE IN:

10 (I) IDENTIFYING APPROPRIATE MATTERS TO INVESTIGATE;

11 AND

12 (II) DEVELOPING PROCESSES BY WHICH COMPLAINTS ARE
13 SUBMITTED, REVIEWED, INVESTIGATED, AND RESOLVED.

14 (D) THE BOARD SHALL CONSIST OF ~~10~~ 12 MEMBERS APPOINTED BY THE
15 ~~ATTORNEY GENERAL~~ GOVERNOR.

16 (E) TO THE EXTENT PRACTICABLE, THE ~~ATTORNEY GENERAL~~ GOVERNOR
17 SHALL ENSURE THAT THE MEMBERSHIP OF THE BOARD INCLUDES
18 ~~REPRESENTATIVES OF:~~

19 (1) FAMILY MEMBERS OF CONFINED INDIVIDUALS;

20 (2) RETURNING CITIZENS;

21 (3) NONSUPERVISORY CORRECTIONAL OFFICERS;

22 (4) MEMBERS OF THE PUBLIC WITH A DEMONSTRATED INTEREST IN
23 CORRECTIONS; ~~AND~~

24 (5) INDIVIDUALS WITH BACKGROUNDS IN HEALTH CARE AND SOCIAL
25 WORK;

26 (6) INDIVIDUALS WITH BACKGROUNDS IN MENTAL HEALTH CARE AND
27 SUBSTANCE USE DISORDER TREATMENT; AND

1 (7) AT LEAST TWO INDIVIDUALS WITH EXPERIENCE MANAGING A
2 LARGE GOVERNMENT AGENCY.

3 (F) (1) THE BOARD MAY NOT INCLUDE MORE THAN THREE MEMBERS
4 WHO ARE CURRENT OR FORMER EMPLOYEES OF THE DEPARTMENT OF PUBLIC
5 SAFETY AND CORRECTIONAL SERVICES.

6 (2) NO MEMBER OF THE BOARD MAY BE CURRENTLY EMPLOYED BY
7 THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES IN A
8 SUPERVISORY CAPACITY.

9 (G) A MEMBER OF THE BOARD SERVES AT THE PLEASURE OF THE
10 GOVERNOR.

11 ~~(F)~~ (H) THE UNIT OFFICE SHALL PROVIDE STAFF FOR THE BOARD.

12 9-3808.

13 (A) THE OFFICE SHALL REVIEW POTENTIAL FEDERAL FUNDING SOURCES,
14 INCLUDING GRANTS OFFERED UNDER THE JUSTICE REINVESTMENT INITIATIVE
15 AND THE SECOND CHANCE ACT.

16 (B) THE OFFICE MAY APPLY FOR RELEVANT FUNDING SOURCES.

17 9-3809. RESERVED.

18 9-3810. RESERVED.

19 Part II. Juvenile Justice Monitoring Unit.

20 9-3811.

21 (a) In this [subtitle] PART the following words have the meanings indicated.

22 (b) “Department” means the Department of Juvenile Services.

23 (c) “Disciplinary action” means any punitive action against a child that results in
24 more security, additional obligations, or less personal freedom.

25 (d) “Deputy Director” means the Deputy Director of the Division of Children and
26 Youth of the Governor’s Office of Crime Prevention, Youth, and Victim Services.

27 (e) “Facility” means:

28 (1) a residential facility operated by the Department;

1 (2) a residential facility owned by the Department but privately operated;
2 and

3 (3) a residential facility licensed by the Department.

4 (f) (1) “Grievance” means a complaint made by a child or on behalf of a child
5 due to a circumstance or an action considered to be unjust.

6 (2) “Grievance” does not include an employee grievance, disciplinary
7 appeal, or complaint.

8 (g) “Juvenile justice monitor” means an individual employed by the Office of the
9 [Attorney General] CORRECTIONAL OMBUDSMAN to determine whether the needs of
10 children under the jurisdiction of the Department are being met in compliance with State
11 law, that their rights are being upheld, and that they are not being abused.

12 (h) “Secretary” means the Secretary of Juvenile Services.

13 (i) “Unit” means the Juvenile Justice Monitoring Unit of the Office [of the
14 Attorney General].

15 9–3812.

16 (a) There is a Juvenile Justice Monitoring Unit of the Office of the [Attorney
17 General] CORRECTIONAL OMBUDSMAN.

18 (b) The function of the Unit is to investigate and determine whether the needs of
19 children under the jurisdiction of the Department of Juvenile Services are being met in
20 compliance with State law, that their rights are being upheld, and that they are not being
21 abused.

22 9–3813.

23 (a) The Unit shall include:

24 (1) a full–time Director of Juvenile Justice Monitoring; and

25 (2) staff, including juvenile justice monitors, as provided in the State
26 budget.

27 (b) Salaries of the Director and juvenile justice monitors and expenses for rent,
28 equipment, supplies, and general operating expenses necessary for the work of the Unit
29 shall be as provided in the State budget.

1 (c) In cooperation with the Secretary of Budget and Management, the [Attorney
2 General] CORRECTIONAL OMBUDSMAN shall set minimum salaries, qualifications, and
3 standards of training and experience for positions with the Unit.

4 9-3814.

5 The Unit shall:

6 (1) evaluate at each facility:

7 (i) the child advocacy grievance process;

8 (ii) the Department's monitoring process;

9 (iii) the treatment of and services to youth;

10 (iv) the physical conditions of the facility; and

11 (v) the adequacy of staffing;

12 (2) review all reports of disciplinary actions, grievances, and grievance
13 dispositions received from each facility and alterations in the status or placement of a child
14 that result in more security, additional obligations, or less personal freedom;

15 (3) receive copies of the grievances submitted to the Department;

16 (4) perform unannounced site visits and on-site inspections of facilities;

17 (5) receive and review all incident reports submitted to the Department
18 from facilities;

19 (6) receive reports of the findings of child protective services investigations
20 of allegations of abuse or neglect of a child in a facility;

21 (7) ensure that each facility is in compliance with the regulations
22 applicable to residential facilities;

23 (8) monitor the implementation of educational programs at each
24 residential facility;

25 (9) collaborate with the Department, the Department of Human Services,
26 the Maryland Department of Health, and the Division of Children and Youth of the
27 Governor's Office of Crime Prevention, Youth, and Victim Services in all matters related to
28 the licensing and monitoring of children's residential facilities; and

29 (10) have a representative available to attend meetings of the advisory
30 boards established under § 9-230 of the Human Services Article and meetings of the

1 Juvenile Services Education Board established under § 9–502 of the Human Services
2 Article.

3 9–3815.

4 (A) The Unit may:

5 (1) review relevant laws, policies, procedures, and juvenile justice records,
6 including records relating to individual youth;

7 (2) on request, conduct interviews with staff, youth, and others;

8 (3) review investigative reports produced by the Department relating to
9 youth in facilities; and

10 (4) participate, within the context of the local department of social services’
11 multidisciplinary team process, in a child protective services investigation conducted under
12 Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect
13 within any assigned facility.

14 (B) (1) **THE UNIT MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE**
15 **SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY**
16 **NECESSARY TO CARRY OUT THE UNIT’S DUTIES.**

17 (2) **IF AN INDIVIDUAL FAILS OR REFUSES TO COMPLY WITH A**
18 **SUBPOENA ISSUED BY THE UNIT, A COURT OF COMPETENT JURISDICTION, ON THE**
19 **APPLICATION OF THE UNIT, MAY ISSUE AN ATTACHMENT FOR THE INDIVIDUAL AND**
20 **COMPEL THE INDIVIDUAL TO COMPLY WITH THE SUBPOENA, AND APPEAR BEFORE**
21 **THE UNIT AND PRODUCE DOCUMENTARY EVIDENCE FOR EXAMINATION AND GIVE**
22 **TESTIMONY.**

23 (3) **IF AN INDIVIDUAL DISOBEYS A SUBPOENA OR REFUSES TO**
24 **TESTIFY, THE COURT MAY PUNISH THE INDIVIDUAL FOR CONTEMPT.**

25 9–3816.

26 (a) The Unit shall report in a timely manner to the Deputy Director, the
27 Secretary, and, in accordance with § 2–1257 of this article, the Speaker of the House of
28 Delegates and the President of the Senate:

29 (1) knowledge of any problem regarding the care, supervision, and
30 treatment of children in facilities;

31 (2) findings, actions, and recommendations, related to the investigations of
32 disciplinary actions, grievances, incident reports, and alleged cases of child abuse and
33 neglect; and

1 (3) all other findings and actions related to the monitoring required under
2 this subtitle.

3 Article – State Personnel and Pensions

4 5–305.

5 Subject to the limitations of § 5–306 of this subtitle, a supervisor, appointing
6 authority, or the head of a principal unit may not take or refuse to take any personnel
7 action as a reprisal against:

8 (1) an employee who discloses information that the employee reasonably
9 believes evidences:

10 (i) an abuse of authority, gross mismanagement, or gross waste of
11 money;

12 (ii) a substantial and specific danger to public health or safety; or

13 (iii) a violation of law;

14 (2) an employee of the Department of Juvenile Services who discloses
15 information to the Director of Juvenile Justice Monitoring or staff of the **OFFICE OF THE**
16 **CORRECTIONAL OMBUDSMAN, INCLUDING THE** Juvenile Justice Monitoring Unit
17 relating to the Unit's duties under ~~§ 6–404(1)~~ **§ 9–3814** of the State Government Article;
18 [or]

19 **(3) AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY AND**
20 **CORRECTIONAL SERVICES WHO DISCLOSES INFORMATION TO THE CORRECTIONAL**
21 **OMBUDSMAN OR STAFF OF THE OFFICE OF THE CORRECTIONAL OMBUDSMAN UNIT**
22 **RELATING TO THE UNIT'S OFFICE'S DUTIES UNDER ~~§ 6–904~~ § 9–3804 OF THE STATE**
23 **GOVERNMENT ARTICLE; OR**

24 [(3)] (4) an employee who, following a disclosure under item [(1) or] (1),
25 (2), **OR (3)** of this section, seeks a remedy provided under this subtitle or any other law or
26 policy governing the employee's unit.

27 SECTION 3. AND BE IT FURTHER ENACTED, That the Governor shall transfer
28 four positions and \$603,067 in general funds for the Juvenile Justice Monitoring Unit as of
29 July 1, 2024, from C81C00.12 Office of the Attorney General – Juvenile Justice Monitoring
30 Unit to the Office of the Correctional Ombudsman established under Section 2 of this Act.

31 SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That it is the intent of the
32 General Assembly that the Governor shall include in the State budget for fiscal year 2025
33 and each subsequent fiscal year an appropriation in an amount sufficient to fund the

1 provisions of this Act and to provide for at least two staff members of the Office of the
2 Correctional Ombudsman Unit in 2025 and at least seven staff members of the Unit Office
3 in 2026 and each subsequent fiscal year.

4 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That on or before December 31,
5 2024, the Office of the Correctional Ombudsman ~~Unit~~ and the Commission on Correctional
6 Standards shall submit a joint report to the Governor and, in accordance with § 2–1257 of
7 the State Government Article, the General Assembly detailing how the Office Correctional
8 ~~Ombudsman Unit~~ and the Commission will coordinate in order to avoid overlap in their
9 duties.

10 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That on or before December 31,
11 2024, the Mediation and Conflict Resolution Office shall report to the Office of the
12 Correctional Ombudsman Unit, the Governor, and, in accordance with § 2–1257 of the State
13 Government Article, the General Assembly on best practices for mediating grievances in
14 the corrections system.

15 SECTION ~~5~~ 7. AND BE IT FURTHER ENACTED, That it is the intent of the
16 General Assembly that, in its first year of operation, the Office of the Correctional
17 Ombudsman ~~Unit~~ focus its activities primarily on those State correctional facilities located
18 in the area of Jessup, Maryland.

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

24 (1) rates of participation by incarcerated individuals in:

25 (i) educational and vocational training;

26 (ii) evidence-based behavioral health and substance ~~abuse~~ use
27 disorder counseling; and

28 (iii) mentoring and reentry programs; and

29 (2) any obstacles to participation by incarcerated individuals in programs
30 provided by the Division.

31 SECTION ~~7~~ 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2024.