

SENATE BILL 134

P1, E5
SB 87/23 – JPR

(PRE-FILED)

4lr1314
CF HB 297

By: ~~Senator Hettleman~~ Senators Hettleman, Carter, Charles, Smith, Sydnor, Waldstreicher, and West

Requested: October 31, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 29, 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; requiring the ~~Unit~~ Office to conduct
8 investigations, reviews, and assessments of administrative acts taken by the
9 Department of Public Safety and Correctional Services, the Department of Juvenile
10 Services, or in relation to individuals confined by the Department either department;
11 requiring the ~~Unit~~ Office to refer certain matters for criminal charges or disciplinary
12 proceedings; providing for the confidentiality of certain communications with the
13 Ombudsman; establishing the Correctional Ombudsman Advisory Board;
14 transferring the Juvenile Justice Monitoring Unit of the Office of the Attorney
15 General into the Office of the Correctional Ombudsman; authorizing the Unit to
16 subpoena an individual to give sworn testimony or produce documentary evidence;
17 prohibiting certain reprisals against employees of the Department of Public Safety
18 and Correctional Services or the Department of Juvenile Services who provide
19 certain information to the ~~Unit~~ Office; requiring the ~~Unit~~ Office to conduct certain
20 activities; and generally relating to the Office of the Correctional Ombudsman ~~Unit~~.

21 BY renumbering

22 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) DISTRIBUTED TO THE OFFICE OF THE CORRECTIONAL
 13 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 ~~OR THE DEPARTMENT OF JUVENILE SERVICES;~~

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

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

1 BY OR UNDER THE SUPERVISION OF ~~THE DEPARTMENT EITHER DEPARTMENT~~ THE
2 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL 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 ~~OR THE DEPARTMENT OF JUVENILE 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.~~

1 9-3802.

2 ~~THERE IS A~~ AN OFFICE OF THE CORRECTIONAL OMBUDSMAN UNIT IN THE
 3 ~~OFFICE OF THE ATTORNEY GENERAL~~ ESTABLISHED AS AN INDEPENDENT UNIT OF
 4 STATE GOVERNMENT.

5 ~~6-903.~~ 9-3803.

6 (A) ~~THE UNIT OFFICE~~ SHALL INCLUDE:

7 (1) A FULL-TIME CORRECTIONAL OMBUDSMAN; ~~AND~~

8 (2) STAFF AS PROVIDED IN THE STATE BUDGET; AND

9 (3) THE JUVENILE JUSTICE MONITORING UNIT ESTABLISHED IN §
 10 9-3812 OF THIS SUBTITLE.

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

13 (2) THE CORRECTIONAL OMBUDSMAN SHALL SERVE FOR A TERM OF
 14 5 YEARS.

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

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

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

24 ~~6-904.~~ 9-3804.

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

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

29 (I) CONTRARY TO LAW OR REGULATION;

1 (II) BASED ON A MISTAKE OF FACT;

2 (III) UNSUPPORTED BY SUFFICIENT EVIDENCE;

3 (IV) PERFORMED IN AN INEFFICIENT MANNER;

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

6 (VI) OTHERWISE ERRONEOUS;

7 (2) CONDUCT INDEPENDENT REVIEWS AND ASSESSMENTS OF:

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

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

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

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

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

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

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

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

25 (6) MAINTAIN A WEBSITE THAT:

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

1 (II) PROVIDES CONTACT INFORMATION FOR THE ~~UNIT~~ OFFICE;
2 AND

3 (7) ADOPT REGULATIONS NECESSARY TO CARRY OUT THE
4 REQUIREMENTS OF THIS SUBTITLE.

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

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

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

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

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

15 (V) THE ~~UNIT~~ OFFICE LACKS SUFFICIENT RESOURCES TO
16 INVESTIGATE THE COMPLAINT.

17 (2) THE ~~UNIT~~ OFFICE SHALL INFORM A COMPLAINANT OF A
18 DECISION NOT TO INVESTIGATE A COMPLAINT.

19 (3) ON REQUEST, THE ~~UNIT~~ OFFICE SHALL INFORM A COMPLAINANT
20 OF THE STATUS OF AN INVESTIGATION.

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

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

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

1 (D) ~~THE UNIT~~ OFFICE MAY:

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~6-905.~~ 9-3805.

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

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

1 ~~6-907.~~ 9-3807.

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 ~~UNIT~~ OFFICE AND ASSIST THE ~~UNIT~~ OFFICE IN IDENTIFYING APPROPRIATE
7 MATTERS TO INVESTIGATE.

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

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

13 (1) FAMILY MEMBERS OF CONFINED INDIVIDUALS;

14 (2) RETURNING CITIZENS;

15 (3) NONSUPERVISORY CORRECTIONAL OFFICERS;

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

18 (5) INDIVIDUALS WITH BACKGROUNDS IN HEALTH CARE AND SOCIAL
19 WORK; AND

20 (6) INDIVIDUALS WITH BACKGROUNDS IN MENTAL HEALTH CARE AND
21 SUBSTANCE ABUSE TREATMENT.

22 (F) A MEMBER OF THE BOARD SERVES AT THE PLEASURE OF THE
23 GOVERNOR.

24 ~~(F)~~ (G) THE ~~UNIT~~ OFFICE SHALL PROVIDE STAFF FOR THE BOARD.

25 9-3808.

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

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

2 **9-3809. RESERVED.**

3 **9-3810. RESERVED.**

4 Part II. Juvenile Justice Monitoring Unit.

5 9-3811.

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

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

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

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

12 (e) “Facility” means:

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

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

15 and

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

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

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

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

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

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

28 9-3812.

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

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

7 9-3813.

8 (a) The Unit shall include:

9 (1) a full-time Director of Juvenile Justice Monitoring; and

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

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

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

18 9-3814.

19 The Unit shall:

20 (1) evaluate at each facility:

21 (i) the child advocacy grievance process;

22 (ii) the Department's monitoring process;

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

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

25 (v) the adequacy of staffing;

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

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

- 1 (4) perform unannounced site visits and on-site inspections of facilities;
- 2 (5) receive and review all incident reports submitted to the Department
3 from facilities;
- 4 (6) receive reports of the findings of child protective services investigations
5 of allegations of abuse or neglect of a child in a facility;
- 6 (7) ensure that each facility is in compliance with the regulations
7 applicable to residential facilities;
- 8 (8) monitor the implementation of educational programs at each
9 residential facility;
- 10 (9) collaborate with the Department, the Department of Human Services,
11 the Maryland Department of Health, and the Division of Children and Youth of the
12 Governor's Office of Crime Prevention, Youth, and Victim Services in all matters related to
13 the licensing and monitoring of children's residential facilities; and
- 14 (10) have a representative available to attend meetings of the advisory
15 boards established under § 9-230 of the Human Services Article and meetings of the
16 Juvenile Services Education Board established under § 9-502 of the Human Services
17 Article.
- 18 9-3815.

19 **(A) The Unit may:**

- 20 (1) review relevant laws, policies, procedures, and juvenile justice records,
21 including records relating to individual youth;
- 22 (2) on request, conduct interviews with staff, youth, and others;
- 23 (3) review investigative reports produced by the Department relating to
24 youth in facilities; and
- 25 (4) participate, within the context of the local department of social services'
26 multidisciplinary team process, in a child protective services investigation conducted under
27 Title 5, Subtitle 7 of the Family Law Article concerning any allegation of abuse or neglect
28 within any assigned facility.

29 **(B) (1) THE UNIT MAY SUBPOENA ANY INDIVIDUAL TO APPEAR TO GIVE**
30 **SWORN TESTIMONY OR PRODUCE DOCUMENTARY EVIDENCE THAT IS REASONABLY**
31 **NECESSARY TO CARRY OUT THE UNIT'S DUTIES.**

1 CORRECTIONAL OMBUDSMAN, INCLUDING THE Juvenile Justice Monitoring Unit
 2 relating to the Unit's duties under ~~§ 6-404(1)~~ § 9-3814 of the State Government Article;
 3 [or]

4 (3) AN EMPLOYEE OF THE DEPARTMENT OF PUBLIC SAFETY AND
 5 CORRECTIONAL SERVICES WHO DISCLOSES INFORMATION TO THE CORRECTIONAL
 6 OMBUDSMAN OR STAFF OF THE OFFICE OF THE CORRECTIONAL OMBUDSMAN UNIT
 7 RELATING TO THE ~~UNIT'S OFFICE'S~~ DUTIES UNDER ~~§ 6-904~~ § 9-3804 OF THE STATE
 8 GOVERNMENT ARTICLE; OR

9 [(3)] (4) an employee who, following a disclosure under item [(1) or] (1),
 10 (2), OR (3) of this section, seeks a remedy provided under this subtitle or any other law or
 11 policy governing the employee's unit.

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

16 ~~SECTION 2.~~ SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the
 17 General Assembly that the Governor shall include in the State budget for fiscal year 2025
 18 and each subsequent fiscal year an appropriation in an amount sufficient to fund the
 19 provisions of this Act and to provide for at least two staff members of the Office of the
 20 Correctional Ombudsman Unit in 2025 and at least seven staff members of the Unit Office
 21 in 2026 and each subsequent fiscal year.

22 ~~SECTION 3.~~ SECTION 5. AND BE IT FURTHER ENACTED, That on or before December 31,
 23 2024, the Office of the Correctional Ombudsman ~~Unit~~ and the Commission on Correctional
 24 Standards shall submit a joint report to the Governor and, in accordance with § 2-1257 of
 25 the State Government Article, the General Assembly detailing how the Office Correctional
 26 ~~Ombudsman Unit~~ and the Commission will coordinate in order to avoid overlap in their
 27 duties.

28 ~~SECTION 4.~~ SECTION 6. AND BE IT FURTHER ENACTED, That on or before December 31,
 29 2024, the Mediation and Conflict Resolution Office shall report to the Office of the
 30 Correctional Ombudsman Unit, the Governor, and, in accordance with § 2-1257 of the State
 31 Government Article, the General Assembly on best practices for mediating grievances in
 32 the corrections system.

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

37 ~~SECTION 6.~~ SECTION 8. AND BE IT FURTHER ENACTED, That it is the intent of the
 38 General Assembly that, in its first year of operation, the Office of the Correctional

1 Ombudsman ~~Unit~~ conduct an audit of programming and services provided by the Division
2 of Corrections since fiscal year 2019. This audit shall include, among other things, an
3 examination of:

- 4 (1) rates of participation by incarcerated individuals in:
 - 5 (i) educational and vocational training;
 - 6 (ii) evidence-based behavioral health and substance abuse
7 counseling; and
 - 8 (iii) mentoring and reentry programs; and
- 9 (2) any obstacles to participation by incarcerated individuals in programs
10 provided by the Division.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.