

HOUSE BILL 1458

E4

4lr0081

By: **Chair, Appropriations Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: February 19, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Appropriations, February 27, 2014

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2014

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Charges Recommending Discipline – Investigative**
3 **Period**

4 FOR the purpose of establishing that a certain time period after which a certain
5 appointing authority in the Department of Public Safety and Correctional
6 Services may not bring charges recommending the imposition of discipline
7 against a correctional officer does not apply to certain charges of criminal
8 activity under certain circumstances; and generally relating to disciplinary
9 procedures for correctional officers.

10 BY repealing and reenacting, with amendments,
11 Article – Correctional Services
12 Section 10–907
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2013 Supplement)

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

17 **Article – Correctional Services**

18 10–907.

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 (a) The appointing authority may not bring charges recommending the
 2 imposition of discipline more than 90 days after the Internal Investigative Unit or the
 3 appointing authority acquires knowledge of the action that gives rise to the discipline.

4 (b) **THE 90-DAY LIMITATION ESTABLISHED UNDER SUBSECTION (A) OF**
 5 **THIS SECTION DOES NOT APPLY TO CHARGES THAT RELATE TO CRIMINAL**
 6 **ACTIVITY IF:**

7 ~~(1)~~ **THE CRIMINAL ACTIVITY:**

8 ~~(1)~~ **(1) RELATES TO THE CORRECTIONAL OFFICER'S**
 9 **OFFICIAL DUTIES;**

10 ~~(2)~~ **(2) ARISES FROM EVENTS THAT OCCUR AT A**
 11 **CORRECTIONAL FACILITY; OR**

12 ~~(3)~~ **(3) INVOLVES AN INMATE OR DETAINEE AT A**
 13 **CORRECTIONAL FACILITY; AND**

14 ~~(2)~~ **AT THE TIME THE ADMINISTRATIVE CHARGES ARE BROUGHT**
 15 **AGAINST THE CORRECTIONAL OFFICER, THE DIRECTOR OF THE INTERNAL**
 16 **INVESTIGATIVE UNIT OR THE DIRECTOR'S DESIGNEE CERTIFIES IN WRITING**
 17 **THAT THE 90 DAY LIMITATION WAS EXTENDED AS A RESULT OF THE**
 18 **CIRCUMSTANCES IN ITEM (1) OF THIS SUBSECTION.**

19 (c) An appointing authority may not recommend disciplinary action against
 20 a correctional officer for excessive use of force against an inmate based solely on the
 21 uncorroborated statement of the inmate unless the appointing authority determines
 22 that there exists any indicia of reliability to support the inmate's allegation.

23 [(c)] (D) This section does not limit the right of the Department to
 24 investigate claims of excessive force against inmates to ensure the safety and security
 25 of its correctional facilities, or for any other legitimate purpose.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2014.