

HOUSE BILL 765

E4

8lr2164

By: **Delegates Barkley, Barnes, Bates, Conaway, Conway, DeBoy, Dumais, Frank, Kelly, Kramer, Lee, McConkey, Montgomery, Ramirez, Robinson, Rosenberg, Shank, Simmons, Sophocleus, Valderrama, Vallario, and Waldstreicher**

Introduced and read first time: February 4, 2008

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Correctional Officers – Minimum Age**

3 FOR the purpose of altering a provision of law to require the Secretary of Public Safety
4 and Correctional Services to adopt regulations to govern the policies and
5 management of correctional facilities in the Department of Public Safety and
6 Correctional Services rather than the Division of Correction; requiring the
7 Secretary to adopt certain regulations establishing a certain minimum age for a
8 correctional officer hired on or after a certain date for employment in the
9 Division of Pretrial Detention and Services or the Patuxent Institution, with a
10 certain exception; and generally relating to correctional facilities.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 2–109
14 Annotated Code of Maryland
15 (1999 Volume and 2007 Supplement)

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

18 **Article – Correctional Services**

19 2–109.

20 (a) The Secretary shall adopt regulations for the office of the Secretary.

21 (b) (1) The Secretary shall review regulations proposed by a unit in the
22 Department.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The Secretary may approve, disapprove, or revise regulations
2 proposed by a unit in the Department.

3 (c) (1) Except as provided in paragraph (2) of this subsection, the
4 Secretary shall adopt regulations to govern the policies and management of
5 correctional facilities in the [Division of Correction] **DEPARTMENT** in accordance with
6 Title 10, Subtitle 1 of the State Government Article.

7 (2) Paragraph (1) of this subsection does not apply to a guideline
8 pertaining to the routine internal management of correctional facilities in the Division
9 of Correction.

10 (3) (i) Subject to subparagraph (ii) of this paragraph, the
11 Secretary shall adopt regulations that provide for a requirement that:

12 **1.** a correctional officer hired on or after October 1,
13 2007, for employment in any unit of the Division of Correction shall be at least 21
14 years old; **AND**

15 **2. A CORRECTIONAL OFFICER HIRED ON OR AFTER**
16 **OCTOBER 1, 2008, FOR EMPLOYMENT IN ANY UNIT OF THE DIVISION OF**
17 **PRETRIAL DETENTION AND SERVICES OR THE PATUXENT INSTITUTION SHALL**
18 **BE AT LEAST 21 YEARS OLD.**

19 (ii) The regulations adopted under subparagraph (i) of this
20 paragraph shall exempt any honorably discharged veteran or reserve member of the
21 United States armed forces from the minimum age requirement.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2008.