

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 765

(Delegate Barkley, *et al.*)

Judiciary

Judicial Proceedings

Public Safety - Correctional Officers - Minimum Age

This bill provides that the Secretary of Public Safety and Correctional Services must adopt regulations requiring that a correctional officer hired by the Division of Pretrial Detention and Services (DPDS) or the Patuxent Institution on or after October 1, 2008 be at least age 21. Any honorably discharged veteran or reserve member of the U.S. armed forces are exempt from the minimum age requirement. The bill also expands the existing requirement for the Secretary to adopt regulations governing the policies and management of correctional facilities to include all correctional facilities operated by the department, rather than only those in the Division of Correction.

Fiscal Summary

State Effect: Potential additional general fund overtime costs for DPDS in FY 2009 but only to the extent that those costs are a result of the minimum age requirements of this bill. The agency believes that vacancies will not occur as a result of the bill.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapter 439 of 2007 provided that the Secretary of Public Safety and Correctional Services adopt regulations requiring that a correctional officer hired by the Division of Correction (DOC) on or after October 1, 2007 be at least age 21. The

regulations must exempt any honorably discharged veteran or reserve member of the U.S. armed forces from the minimum age requirement.

In addition, an applicant for a State or local correctional officer position must be a U.S. citizen or resident alien (and submit proof of status), and possess at least a high school diploma or a General Education Development certificate. A college degree may be accepted in place of the high school diploma.

Background: In January 2007, U.S. Department of Justice (DOJ) entered into a MOA with the Department of Public Safety and Correctional Services allowing it four years to achieve all of several requirements identified by DOJ after an investigation of conditions at the Baltimore City Detention Center. The agreement may be terminated earlier than that if the department achieves “substantial compliance” and sustains it for one year. The requirements of the MOA include:

- prompt response to maintenance needs related to health, safety, and sanitation, including toilets, showers, sinks, ventilators, and fans;
- increased efforts to improve medical and mental health care, including protocols, staffing, and training;
- increased efforts to ensure sight and sound separation for juveniles from the adult inmate population;
- additional support for the special education program;
- new fire safety equipment for the Jail Industries Building;
- increased efforts to minimize violence; and
- increased personnel resources to effectively monitor compliance efforts and results.

State Expenditures: DPDS is responsible for processing and managing the care, custody, and control of Baltimore City arrestees and inmates, primarily at the Baltimore City Detention Center. DPDS also provides bail recommendations to the courts in Baltimore City and supervises defendants who have been released to the community to await trial. Of the 126 correctional officers hired by the division between July and December 2007, 21 (17%) were under age 21. Of the 21 correctional officers under age 21 hired since July 1, 2007, 6 have already resigned.

The Governor’s fiscal 2009 budget allowance has placed DPDS under severe cost containment reductions and includes a fiscal 2008 deficiency appropriation totaling approximately \$1.1 million to cover additional overtime expenditures for fiscal 2008. DPDS reports that overtime costs in fiscal 2009 are expected to be about \$1.3 million.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services,
Department of Legislative Services

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Analysis by: Guy G. Cherry

Direct Inquiries to:
(410) 946-5510
(301) 970-5510