

**MARYLAND DEPARTMENT OF PUBLIC SAFETY &
CORRECTIONAL SERVICES**



**OFFICE OF LEGISLATIVE AFFAIRS
2014 ANNUAL LEGISLATIVE REPORT**

SECRETARY GREGG HERSHBERGER



Department of Public Safety and Correctional Services

Office of the Secretary

300 E. JOPPA ROAD • SUITE 1000 • TOWSON, MARYLAND 21286-3020
(410) 339-5000 • FAX (410) 339-4240 • TOLL FREE (877) 379-8636 • V/TTY (800) 735-2258 • www.dpscs.maryland.gov



April 23, 2014

With the conclusion of the 2014 Legislative Session, I would like to express my sincere appreciation for your support and timely input on legislative matters of importance to the Department of Public Safety and Correctional Services.

As a response to the April 2013 indictments, the Department's legislative package focused on providing the Department additional tools necessary to continue rooting out corruption and to enhance security at our institutions. We were also able to collaborate with legislators in crafting and passing several other bills that will benefit the Department. We accomplished a lot this session and this is a direct result of the efforts and cooperation of all of you.

The Office of Legislative Affairs will continue to work on behalf of every agency/division within the Department throughout the year and into the 2015 legislative session. We will also continue to work in cooperation with other State agencies and the Office of the Governor and our legislative counterparts across Maryland.

This report includes summaries of the four Department Bills passed by the Legislature this year, as well as two bills passed in collaboration with the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, a summary of the Department's Fiscal Year 2015 budget, and summaries of other bills affecting the Department. The report also includes language from the 2014 Joint Chairmen's Report that depicts information the Department is obligated to submit to the Maryland General Assembly. I hope this report is useful and informative.

If my office can ever be of any assistance to you, please feel free to contact me, Kevin Loeb, in the Department's Legislative Affairs Office at 410-260-6070.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Loeb".

Kevin Loeb
Director

Office of Legislative Affairs, DPSCS

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GOVERNOR

ANTHONY G. BROWN
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CORRECTIONAL TRAINING
COMMISSION

MARYLAND PAROLE
COMMISSION

CRIMINAL INJURIES
COMPENSATION BOARD

EMERGENCY NUMBER
SYSTEMS BOARD

SUNDRY CLAIMS BOARD

INMATE GRIEVANCE OFFICE

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2014 Departmental Bills Passed

SB 126/HB 173 - Public Safety - Prohibition of Polygraph Examinations by Employers - Exemption

This Departmental bill expands a current statutory exemption from a prohibition against the use of polygraph tests as a condition of employment so that, in addition to a correctional officer applicant, the exemption is applied to an individual who is already employed as a correctional officer or other employee in a State correctional facility or in any other capacity that involves direct personal contact with an inmate in a State correctional facility. The bill also eliminates an outdated reference to the Baltimore City Jail under the same provisions. The bill also requires the Department to submit a report to the Senate Finance Committee and to the House Judiciary Committee by September 30, 2016. The report must include the number of polygraph examinations submitted to or taken by correctional officers and employees of State correctional facilities and the number of grievances filed or complaints made in connection with those examinations.

The bill takes effect October 1, 2014.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=sb0126&stab=01&pid=billpage&tab=suobject3&ys=2014RS>)

SB 114/HB 174 - Public Safety - Internal Investigative Unit - Name Change and Duties

This departmental bill renames the Internal Investigative Unit (IIU) of the Department of Public Safety and Correctional Services (DPSCS) to the Intelligence and Investigative Division of DPSCS. The bill also expands the authority of IIU to oversee and coordinate all of the intelligence efforts within DPSCS under the authority of the Secretary.

The bill takes effect October 1, 2014.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=sb0114&stab=01&pid=billpage&tab=suobject3&ys=2014RS>)

HB 1457 - State Correctional Officers' Bill of Rights - Definition of Correctional Officer

This departmental bill alters the definition of a State "correctional officer," for purposes of the Correctional Officer's Bill of Rights (COBR), to exclude the classification of a Correctional Officer I (CO I). The classification of Correctional Officer I is given to a person who has been hired by DPSCS and who is on probationary status with one year or less experience.

The bill takes effect October 1, 2014.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb1457&stab=01&pid=billpage&tab=suobject3&ys=2014RS>)

HB 1458 - Correctional Services - Charges Recommending Discipline - Investigative Period

This departmental bill specifies that, under the Correctional Officers' Bill of Rights (COBR), the 90-day limitation on bringing certain charges against a State correctional officer does not apply to charges that relate to criminal activity if the criminal activity (1) relates to the correctional officer's official duties; (2) arises from events that occur at a correctional facility; or (3) involves an inmate or detainee at a correctional facility. This bill specifically addresses and expands the period of time during which disciplinary actions may be taken after the appointing authority or the Internal Investigative Unit learns of the action giving rise to the imposition of discipline.

The bill takes effect October 1, 2014.

(Available at:

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?id=hb1458&stab=01&pid=billpage&tab=subject3&ys=2014RS>)

Collaborative Legislation

SB 205/HB 176 - Correctional Services - Correctional Facilities - Officers and Inspection Standards

This bill was introduced as a result of the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities. The Department supported the bill and worked in collaboration with the Senate and House sponsors to ensure its passage. This bill authorizes the appointing authority of a State correctional facility to impose an emergency suspension without pay on a State correctional officer if the officer is charged with a misdemeanor contraband violation involving a controlled dangerous substance or a telecommunication device. With certain exceptions, a correctional officer who is not convicted of the violation for which the emergency suspension was imposed must have the suspension rescinded and any lost time, compensation, status, and benefits restored. The bill also requires the Secretary of Public Safety and Correctional Services to require the Department by December 1, 2014, to study certain issues related to correctional standards, including standards set by the Maryland Commission on Correctional Standards (MCCS) and accreditation standards established by the American Correctional Association (ACA). The Secretary also is required to (1) adopt regulations amending the commission's standards in accordance with the results of the study; (2) provide a proposed implementation schedule for ACA accreditation at each State correctional facility; and (3) report on the study findings and accompanying regulatory changes to the Governor and the General Assembly.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Correctional Services - Correctional Facilities - Officers and Inspection Standards* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 11 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0005/sb0205.pdf)

SB 206/HB 175 - Criminal Law - Contraband - Telecommunication Devices and Accessories – Penalty

This bill was also introduced as a result of the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities. The Department supported the bill and worked in collaboration with the Senate and House sponsors to ensure its passage.

This bill prohibits a person from attempting to deliver a “telecommunication device,” telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement if signs are posted indicating that such conduct is prohibited. The bill also adds chargers and SIM cards as prohibited items that a person may not deliver to an inmate, possess with intent to deliver to an inmate, deposit or conceal in or about a place of confinement, or knowingly possess or receive while an inmate in a place of confinement. The bill also increases the maximum penalty for offenses relating to a telecommunication device in a place of confinement from imprisonment for three years and/or a \$1,000 fine to imprisonment for five years and/or a \$3,000 fine. Under the bill, a sentence imposed for knowing possession or receipt of a telecommunication device by a person detained or confined in a place of confinement must be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of the sentence.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Contraband - Telecommunication Devices and Accessories – Penalty – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 13 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0006/sb0206.pdf)

SB 608/HB 642 – Correctional Services - Swift and Certain Sanctions Pilot Program – Expansion

This bill requires the Department of Public Safety and Correctional Services (DPPSCS) to, by October 1, 2014, expand the Swift and Certain Sanctions Pilot Program to include Baltimore City and individuals under mandatory supervision. The bill also extends the termination date for the pilot program from September 30, 2015, to September 30, 2017. The Department testified as to the success of the existing program and worked with the sponsors of the bill to support its passage.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Correctional Services - Swift and Certain Sanctions Pilot Program – Expansion – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 16 February 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0608.pdf)

SB 665/ HB 708 - Correctional Officers' Retirement System – Membership

Although this was not a Departmental bill, the Office of Legislative Affairs, alongside many other employees, supported both the House and Senate crossfiles. It is of note that group of dedicated employees took time off to testify on behalf of the legislation in both the House and Senate hearings. This bill adds correctional officers who begin serving as security chiefs, facility administrators, assistant wardens, or wardens on or after the bill’s effective date as members of

the Correctional Officers' Retirement System (CORS) as a condition of their employment. It also gives correctional officers who are serving in those positions on June 30, 2014, six months to transfer their service credit from the Employees' Pension System (EPS) to CORS if they continue serving in those positions on the bill's effective date. Transfers of service credit under the bill must be done in accordance with Title 37 of the State Personnel and Pensions Article. The executive director of the State Retirement Agency (SRA) may waive the one-year statutory time limit on transfers of service credit.

The bill takes effect July 1, 2014; the provisions relating to current EPS members terminate December 31, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Correctional Officers' Retirement System – Membership* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 20 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0005/sb0665.pdf)

SB 830/HB 1244 - Criminal Procedure - Criminal Injuries Compensation Board - Child Abuse Victims

This bill was not a Departmental bill; however the Criminal Injuries Compensation Board worked in collaboration with both the House and Senate sponsors in drafting and passing this piece of legislation. This bill alters the date by which, in a case of child abuse, a claimant may file a claim with the Criminal Injuries Compensation Board (CICB). Specifically, in a case of child abuse, the deadline for filing a claim is changed to the date the child who was the subject of abuse reaches the age of 25 or, if CICB determines that there was good cause for failure to file a claim by that date, at any time. Current law requires the claim to be made within three years after the claimant knew or should have known of the abuse.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Criminal Injuries Compensation Board - Child Abuse Victims* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 21 February 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0830.pdf)

Budget Overview – Fiscal Year 2015 Highlights

The following section contains brief highlights from the Fiscal Year 2015 Operating Budget. The Department was successful in achieving a level of funding that furthers the overall mission of the Department. Additionally, the Department received funding for items that will enhance institutional security, including the establishment of a Security Camera Replacement Fund, expansion of the K9 Unit, the establishment of a Polygraph Unit, the installation of new Managed Access Systems and the expansion of the Internal Investigative Unit.

Expansion of the Cell Phone Managed Access Systems – An additional \$7.2 million is included to expand cellphone managed access technology at BCBIC & MRDCC.

100 Additional Correctional Officers – \$4.1 million was added for 100 new correctional officer positions [Note that due to training and the amount of time it takes to hire and for candidates to go through the academy, the funding was at 50% turnover].

Correctional Officer Overtime – An additional \$6 million was provided for overtime.

Increasing Correctional Officer In-Service Training – An additional \$637,000 was added to phase in an increase of in-service training for correctional officers to 40 hours. [Funding accounts for an increase in overtime]

Expansion of the Internal Investigation Unit – \$1.1 million was added to allow the Department to fill and reclassify positions for the IIU expansion.

Establishment of the Security Camera Replacement Fund – \$788,000 was added to establish a security camera and equipment replacement fund across the whole Department.

Expansion of K9 Unit – \$563,034 which includes 7 new positions and 6 additional canines.

Creation of the Department's Polygraph Unit – An additional \$339,000 was added to allow the Department to fill and reclassify positions for the creation of the Department's polygraph unit.

Funding in Support of the Inmate Pharmacy – An additional \$5.6 million was added to support the current contract.

Funding in Support of the Average Daily Population – An additional \$5 million is added to support higher than budgeted ADP. (Supports items such as food, medical, clothing, etc).

Increased funding for Dietary – \$2.4 million was added to support inflationary costs.

Drinking Driver Monitoring Program – \$750,000 was added to support a shortfall in DDMP revenue.

Funding for Dietary Equipment – \$364,008 was added to support lease financing \$1.7 million worth of critical dietary equipment in Fiscal Year 2014 [The Fiscal Year 2015 amount represents the first of a three year repayment].

Expansion of the Community Mediation Program – \$150,000 was added to establish community re-entry mediation programs in Washington County and Baltimore City.

MCE – The budget includes a provision to transfer \$1 million from the MCE fund balance (Estimated at over \$15 million) to the State General Fund.

Other Notable Bills

SB 50/HB 87 - Crimes - Use of Personal Identifying Information or the Identity of Another - Sexual Crimes

This bill prohibits a person from using the “personal identifying information” or identity of an individual without consent to invite, encourage, or solicit another to commit a “sexual crime” against the individual. Under the bill, “sexual crime” is defined as an act that would constitute a violation of the State’s prohibitions on various sexual crimes, sexual abuse of a minor, visual surveillance with prurient intent, or various other acts, including human trafficking. Violators are guilty of a felony, punishable by imprisonment for up to 20 years and/or a maximum fine of \$25,000.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Use of Personal Identifying Information or the Identity of Another - Sexual Crimes* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 27 February 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0050.pdf)

SB 109 - Public Ethics - Financial Disclosure Statements - Electronic Filing

This departmental bill requires that financial disclosure statements submitted to the State Ethics Commission by State officials and candidates for State office be submitted electronically. The State Ethics Commission must develop and implement procedures related to the electronic filing of the statements and exemptions to the requirement.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Financial Disclosure Statements - Electronic Filing* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 16 January 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0009/sb0109.pdf)

SB 122 - Juvenile Law - Detention - Community Detention Violation Hearings

This bill, requested by the Department of Juvenile Services, requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the child’s continued detention. The juvenile court must hold a hearing on the petition no later than the next court day unless it extends the detention, for no more than five days, on a showing of good cause. The bill also requires reasonable notice, either oral or written, to be given to the child and, if they can be located, to the child’s parents, guardian, or custodian.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Juvenile Law - Detention - Community Detention Violation Hearings* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 7 January 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0002/sb0122.pdf)

SB 223 - Crimes - Threat of Mass Violence

This bill prohibits a person from knowingly threatening to commit a crime of violence, or causing such a crime to be committed, that would place others at a substantial risk of death or serious physical injury if as a result of the threat, regardless of whether the threat is carried out, five or more people are (1) placed in reasonable fear that the crime will be committed; (2) evacuated from a dwelling, storehouse, or public place; (3) required to move to a designated area within a dwelling, storehouse, or public place; or (4) required to remain in a designated safe area within a dwelling, storehouse, or public place. The prohibition applies to a threat made by oral or written communication or electronic mail. Violators are guilty of a misdemeanor, punishable by imprisonment for up to 10 years and/or a maximum fine of \$10,000. In addition to these penalties, a court must order a person convicted of this offense to reimburse the appropriate unit of government or other person for expenses and losses incurred in responding to the unlawful threat unless the court states on the record why reimbursement would be inappropriate. Violators may be indicted, prosecuted, tried, and convicted in any county where (1) the threat was received; (2) the threat was made; or (3) the consequences of the threat occurred.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Crimes - Threat of Mass Violence – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 3 February 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0003/sb0223.pdf)

SB 337/ HB 306 - Crimes - Committing a Crime of Violence in the Presence of a Minor - Penalties

This Administration bill prohibits a person from committing a crime of violence when the person knows or reasonably should know that a minor, who is at least two years old, is present in a residence within sight or hearing of the crime of violence. A violator is subject to an enhanced penalty of imprisonment for up to five years in addition to any other sentence imposed for the crime of violence. An enhanced penalty imposed under the bill must be separate from and consecutive to any sentence for the crime of violence.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Crimes - Committing a Crime of Violence in the Presence of a Minor - Penalties – Fiscal and Policy Note*. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 21 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0007/sb0337.pdf)

SB 338/ HB 308 - Public Safety - Statewide Interoperability Radio Control Board - Established

This Administration bill establishes the Statewide Interoperability Radio Control Board in the Department of Information Technology (DoIT) to coordinate the operation and maintenance of the Statewide Public Safety Interoperability Radio System (Maryland FiRST).

The bill takes effect June 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Statewide Interoperability Radio Control Board - Established – Fiscal and Policy Note*. Annapolis: Department of

Legislative Services, 2014. Maryland General Assembly. 29 January 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0338.pdf)

SB 348 - Texting While Driving - Accidents Resulting in Death or Serious Injury - Penalties

This bill creates a new offense to prohibit using the individual's hands to write, send, or read a text or electronic message while driving in such a way that causes an accident which results in the death or serious bodily injury of another. If a person commits this offense, the Motor Vehicle Administration (MVA) must assess 12 points against the driver's license. A violator is guilty of a misdemeanor and is subject to imprisonment for up to three years and/or a maximum fine of \$5,000. The bill also modifies the existing prohibition against using a text messaging device to write, send, or read a text or electronic message while operating a motor vehicle in the travel portion of the roadway to apply only to use of the individual's hands to do so.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Texting While Driving - Accidents Resulting in Death or Serious Injury - Penalties* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 27 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0348.pdf)

SB 350 - Speed Monitoring Systems Reform Act of 2014

This bill alters requirements and restrictions pertaining to the issuance of citations and warnings from speed monitoring systems, the calibration and self-testing of systems, and the use and placement of systems in school zones. The bill also requires local jurisdictions that operate speed monitoring systems to ensure citations are sworn to by duly authorized law enforcement officers, designate an employee or official to review citations and address questions or concerns, and designate a program administrator to oversee contracts with speed monitoring system contractors. The bill prohibits payments on a per-ticket basis to specified contractors and requires contracts to provide for the payment of liquidated damages by contractors if more than 5% of violations issued are erroneous as defined in the bill. A local jurisdiction is required to alter without penalty a contract existing before June 1, 2014, to comply with the bill by June 1, 2017. Finally, the bill requires the **Maryland Police Training Commission** to compile an annual report on local speed monitoring programs.

The bill takes effect June 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Speed Monitoring Systems Reform Act of 2014* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 27 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0350.pdf)

SB 364 - Criminal Law - Possession of Marijuana - Civil Offense

This bill reclassifies the use or possession of less than 10 grams of marijuana from a criminal offense to a civil offense, subject to a fine of up to \$100. The bill establishes requirements for (1) the issuance of citations; (2) the appearance in court after three or more violations; and (3) the adjudication of the offense in District Court. The bill establishes separate procedures and consequences for an individual younger than age 18 who is charged with this civil offense. A civil penalty collected under the bill must be remitted to the Department of Health and Mental

Hygiene (DHMH) to be used to fund drug treatment and education programs. Existing criminal penalties continue to apply to the use or possession of 10 grams or more of marijuana.
The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Possession of Marijuana - Civil Offense* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 1 April 2014. Available at:
http://mgaleg.maryland.gov/2014RS/fnotes/bil_0004/sb0364.pdf)

SB 369/ HB 352 - Peace Orders and Protective Orders - Penalties - Second or Subsequent Offenses

This bill establishes that a prior conviction for failing to comply with specified provisions in an interim, temporary, or final peace order qualifies as a prior offense for the purpose of determining penalties for a second or subsequent violation of an interim, temporary, or final protective order. It also establishes that a prior conviction for failing to comply with specified provisions in an interim, temporary, or final protective order qualifies as a prior offense for the purpose of determining penalties for a second or subsequent violation of an interim, temporary, or final peace order.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Peace Orders and Protective Orders - Penalties - Second or Subsequent Offenses* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 31 January 2014. Available at:
http://mgaleg.maryland.gov/2014RS/fnotes/bil_0009/sb0369.pdf)

SB 436/HB 599 - Law Enforcement Officers' Bill of Rights - Show Cause Order - Appropriate Relief

This bill requires a court to grant appropriate relief upon a finding that a law enforcement agency obtained evidence against a law enforcement officer in violation of Law Enforcement Officers' Bill Rights (LEOBR) provisions governing the investigation or interrogation of a law enforcement officer.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Law Enforcement Officers' Bill of Rights - Show Cause Order - Appropriate Relief* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 15 March 2014. Available at:
http://mgaleg.maryland.gov/2014RS/fnotes/bil_0006/sb0436.pdf)

SB 454/ HB 701 - Criminal Law - Child Kidnapping for the Purpose of Committing a Sexual Crime - Penalty

This bill reclassifies the abduction of a child younger than age 16 for purposes of prostitution or committing a sexual crime from a misdemeanor to a felony and increases the maximum incarceration penalty from 10 to 30 years.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Child Kidnapping for the Purpose of Committing a Sexual Crime - Penalty* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 14 February 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0004/sb0454.pdf)

SB 460/HB 781 – Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor

This bill expands the definition of a “person in a position of authority” under the fourth degree sexual offense statute by repealing a requirement that the person be a full-time permanent employee of a school.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Person in a Position of Authority - Sexual Offenses With a Minor*– Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 24 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0460.pdf)

SB 476/HB 342 - Criminal Procedure - Limited Immunity - Alcohol or Drug-Related Medical Emergencies

This bill establishes that a person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency after ingesting or using alcohol or drugs must be immune from criminal prosecution for specified violations if the evidence for the criminal prosecution was obtained solely as a result of the person’s seeking, providing, or assisting with the provision of medical assistance. In addition, a person who experiences a medical emergency after ingesting or using alcohol or drugs must be immune from criminal prosecution for certain violations if the evidence for the criminal prosecution was obtained solely as a result of another person’s seeking medical assistance. The bill also makes conforming changes to an existing statute to establish that the act of seeking, providing, or assisting with the provision of medical assistance for another person who is experiencing a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution. The violations covered by the bill include possession of a controlled dangerous substance, drug paraphernalia offenses, underage possession of alcohol, obtaining alcohol for underage consumption, and furnishing alcohol for or allowing underage consumption of alcohol.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Limited Immunity - Alcohol- or Drug-Related Medical Emergencies* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 19 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0006/sb0476.pdf)

SB 512 - Criminal Injuries Compensation Board - Membership - Family Member of Homicide Victim

This bill specifies that one of the five members of the **Criminal Injuries Compensation Board (CICB)** must be a family member of a homicide victim.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Injuries Compensation Board - Membership - Family Member of Homicide Victim* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 16 February 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0002/sb0512.pdf)

SB 542/HB 294 - Law Enforcement Officers - Entrance-Level and In-Service Training Requirements (Christopher's Law)

This bill alters the entrance-level and in-service training for law enforcement officers conducted by the Maryland Police and Correctional Training Commission and each county and municipal training school. Specifically, the training curriculum and minimum courses of study must include, consistent with established standards and constitutional provisions, (1) training in lifesaving techniques, including cardiopulmonary resuscitation (CPR); (2) training in the proper level and use of force; (3) training regarding sensitivity to cultural and gender diversity; and (4) training regarding individuals with physical and intellectual and developmental disabilities.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Law Enforcement Officers - Entrance-Level and In-Service Training Requirements (Christopher's Law)* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 18 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0002/sb0542.pdf)

SB 686/HB 598 - Law Enforcement Officers' Bill of Rights - Disclosures - Punitive Action

This bill authorizes a law enforcement agency that is required by law to disclose information for use as impeachment or exculpatory evidence in a criminal case, to maintain a list of law enforcement officers who have been found or alleged to have committed acts which bear on credibility, integrity, honesty, or other characteristics that would constitute exculpatory or impeachment evidence. The list may be maintained solely for the purpose of satisfying the disclosure requirement. In addition, a law enforcement agency is prohibited from taking certain punitive action against a law enforcement officer based solely on the fact that the law enforcement officer is included on the list.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Law Enforcement Officers' Bill of Rights - Disclosures - Punitive Action* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 14 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0006/sb0686.pdf)

SB 698/HB 1161 – Criminal Procedure - Electronic Device Location Information - Order

This bill authorizes a court to issue an order authorizing or directing a law enforcement officer to obtain “location information” from an “electronic device.” “Location information” means real-

time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device. The bill (1) establishes requirements for an application for a location information order; (2) requires disclosure of specified information to a user/owner; and (3) requires courts and the Administrative Office of the Courts (AOC) to submit specified information on an annual basis.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Electronic Device Location Information - Order* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 1 April 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0698.pdf)

SB 718/HB 589 – Governor's Office of Crime Control and Prevention - Juvenile Charged as Adult Population Forecast

This bill requires, by December 1 each year, the Governor's Office of Crime Control and Prevention (GOCCP) to report to the Governor and the General Assembly on the expected population of each State and local detention facility of juveniles charged as adults during the next calendar year and the methodology and assumptions used in developing the projection. The bill specifies the juvenile population statistics that must be considered by GOCCP in calculating the forecast. Each State and local detention facility must provide the juvenile population data to GOCCP in a standardized format developed by GOCCP. Specified data for the GOCCP report on each juvenile charged as an adult is enumerated. The bill terminates September 30, 2017.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Governor's Office of Crime Control and Prevention - Juvenile Charged as Adult Population Forecast* – Fiscal and Policy Note.

Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 20 March 2014. Available at: http://mgaleg.maryland.gov/2014RS/fnotes/bil_0008/sb0718.pdf)

SB 860 – Public Safety - Eyewitness Identification - Procedures

This bill requires, by January 1, 2015, each law enforcement agency in the State to (1) adopt the Police Training Commission's (PTC) Eyewitness Identification Model Policy of 2012 or adopt and implement a written policy relating to "identification procedures" that complies with specified requirements and (2) file a copy of the written policy with the Department of State Police (DSP). DSP must compile the written policies by February 1, 2015, and allow public inspection of each policy. The bill applies prospectively only.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Public Safety - Eyewitness Identification - Procedures* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014.

Maryland General Assembly. 26 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0860.pdf)

SB 923/HB 881 - Medical Marijuana - Natalie M. LaPrade Medical Marijuana Commission

This bill expands the purpose and responsibilities of the Natalie M. LaPrade Medical Marijuana Commission to include the approval of certifying physicians as well as conducting research on

issues and disseminating information related to the medical use of marijuana. The bill removes current limits on the number of licensed growers, establishes medical marijuana treatment centers, and specifies the process by which a qualifying patient may obtain medical marijuana, including provisions related to issuing identification cards for qualifying patients and their caregivers. Additionally, the bill authorizes the commission to set reasonable fees to cover its operating costs and distributes any fees collected by the commission to the existing Natalie M. LaPrade Medical Marijuana Commission Fund. The commission must adopt regulations to implement the bill by September 15, 2014.

The bill takes effect June 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Medical Marijuana - Natalie M. LaPrade Medical Marijuana Commission* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 31 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0003/sb0923.pdf)

SB 940/ HB 705 – Victims of Crime - Legal Representatives of Minors and Disabled and Elderly Persons

This bill authorizes a legal representative to request criminal injuries compensation, restitution, or any other financial property interest on behalf of a decedent or a beneficiary who is or was a victim of a crime. In addition, the bill authorizes a court to order a legal representative to serve as a victim's representative to assert the victim's interests under specified circumstances. The bill requires the Social Services Administration (SSA) of the Department of Human Resources (DHR) to adopt regulations that authorize SSA to notify the appropriate criminal or juvenile delinquency court under specified circumstances. The bill further requires the Adult Protective Services Program in DHR to include as part of its program a notification of the appropriate criminal or juvenile delinquency court under specified circumstances.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Victims of Crime - Legal Representatives of Minors and Disabled and Elderly Persons* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 23 February 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0000/sb0940.pdf)

HB 27/SB 656 - Correctional Services - Healthy Births for Incarcerated Women Act

This bill specifies policy, procedures, and protocols that State and local correctional facilities must follow in connection with the care of a pregnant inmate. The Department of Juvenile Services (DJS) is required to adopt specified related regulations.

The bill takes effect July 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Correctional Services - Healthy Births for Incarcerated Women Act* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 15 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0007/hb0027.pdf)

HB 43 - Criminal Law - Harassment - Revenge Porn

This bill prohibits a person from intentionally causing serious emotional distress to another by intentionally placing on the Internet an identifiable photograph, film, videotape, recording, or any other reproduction of the image of the other person with his or her intimate parts exposed or while engaged in an act of sexual contact, (1) knowing that the other person did not consent to the placement of the image on the Internet and (2) under circumstances in which the other person had a reasonable expectation that the image would be kept private. For purposes of the prohibition, the bill provides specific definitions for “intimate parts” and “sexual contact.” Violators are guilty of a misdemeanor, punishable by imprisonment for up to two years and/or a \$5,000 maximum fine. The prohibition does not apply to (1) lawful and common practices of law enforcement, the reporting of unlawful conduct, or legal proceedings; (2) situations involving voluntary exposure in public or commercial settings; or (3) images concerning matters of public importance.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Harassment - Revenge Porn* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 14 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0003/hb0043.pdf)

HB 79/SB 68 – Courts - Juveniles - Expungement of Records

This bill authorizes and establishes procedures for a person to file a petition to expunge the person’s “juvenile record.”

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Courts - Juveniles - Expungement of Records* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 21 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0009/hb0079.pdf)

HB 355/SB 1088 - Criminal Procedure - Programs for Survivors of Homicide Victims

This bill requires the Governor’s Office of Crime Control and Prevention (GOCCP) to help establish and expand programs for survivors of homicide victims in the State.

The bill takes effect July 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Programs for Survivors of Homicide Victims* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 14 February 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0005/hb0355.pdf)

HB 695 - Crimes - Obstructing Justice - Tampering With or Fabricating Physical Evidence

This bill prohibits a person from (1) destroying, altering, concealing, or removing physical evidence that the person believes may be used in a pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the official proceeding; (2) fabricating physical evidence with the intent that the fabricated physical evidence be introduced

in a pending or future official proceeding; or (3) introducing physical evidence in an official proceeding if the person knew or should know that the evidence has been altered or fabricated. Violators are guilty of a misdemeanor, punishable by imprisonment for up to three years and/or a maximum fine of \$5,000.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Obstructing Justice - Tampering With or Fabricating Physical Evidence* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 26 February 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0005/hb0695.pdf)

HB 714/SB 810 - Criminal Law - Identity Fraud - Prohibitions

This bill prohibits a person from maliciously using an “interactive computer service” to disclose or assist another person to disclose the driver’s license number, bank or other financial institution account number, credit card number, payment device number, Social Security number, or employee identification number of an individual, without the consent of the individual, in order to annoy, threaten, embarrass, or harass the individual. An “interactive computer service” is an information service, system, or access software provider that enables or provides computer access to a computer server by multiple users. A violator is guilty of a misdemeanor and subject to imprisonment for up to 18 months and/or a \$500 maximum fine.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Identity Fraud - Prohibitions* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014.

Maryland General Assembly. 26 February 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0004/hb0714.pdf)

HB 807/SB 742 – Criminal Law - Burglary in the First Degree - Home Invasion

This bill establishes that a person who breaks and enters the dwelling of another with the intent to commit a crime of violence is guilty of the felony of home invasion under the burglary in the first degree statute, punishable by imprisonment for up to 25 years. The bill retains the application of the current maximum penalty for first-degree burglary (imprisonment for 20 years) to individuals who break and enter the dwelling of another with the intent to commit a theft.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Law - Burglary in the First Degree - Home Invasion* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 18 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0007/hb0807.pdf)

HB 912/SB 924 - Courts - Electronic Communications - Privacy

This bill requires an investigative or law enforcement officer to obtain a search warrant in order to require a provider of wire or electronic communication service to disclose the contents of wire or electronic communication that is in electronic storage in a wire or electronic communications system for any amount of time, rather than the current application of the requirement to

communications in storage for 180 days or less.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Courts - Electronic Communications - Privacy Invasion* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 25 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0002/hb0912.pdf)

HB 929/SB 652 – Speed Monitoring Systems Reform Act of 2014

This bill alters requirements and restrictions pertaining to the issuance of citations and warnings from speed monitoring systems, the calibration and self-testing of systems, and the use and placement of systems in school zones. The bill also requires local jurisdictions that operate speed monitoring systems to ensure citations are sworn to by duly authorized law enforcement officers, designate an employee or official to review citations and address questions or concerns, and designate a program administrator to oversee contracts with speed monitoring system contractors. The bill prohibits payments on a per-ticket basis to specified contractors and requires contracts to provide for the payment of liquidated damages by contractors if more than 5% of violations issued are erroneous as defined in the bill. A local jurisdiction is required to alter without penalty a contract existing before June 1, 2014, to comply with the bill by June 1, 2017. Finally, the bill requires the Maryland Police Training Commission to compile an annual report on local speed monitoring programs.

The bill takes effect June 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Speed Monitoring Systems Reform Act of 2014* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 27 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0009/hb0929.pdf)

HB 957/SB 710 – Impaired Driving - Repeat Offenders - Penalties

This bill increases the penalties for a third or subsequent violation of (1) driving while impaired by alcohol; (2) driving while so far impaired by any drug, and/or drugs and alcohol, that the person cannot drive a vehicle safely; and (3) committing either of these offenses while transporting a minor.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Impaired Driving - Repeat Offenders - Penalties* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014.

Maryland General Assembly. 25 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0007/hb0957.pdf)

HB 1109 - Criminal Procedure - Search Warrants - Procedures

This bill (1) requires an application for a search warrant to be dated; (2) authorizes an applicant for a search warrant to submit the application to a judge by in-person delivery, secure fax, or secure electronic mail; (3) authorizes the applicant and the judge to converse about the search warrant application in person, via telephone, or via video; (4) authorizes a judge to issue a search warrant by signing the search warrant, indicating the date and time of the issuance of the warrant,

and delivering the search warrant and specified materials to the applicant in person, by secure fax, or by secure electronic mail; and (5) requires a judge to file a copy of the signed and dated search warrant, the application, and the affidavit with the court. The bill requires a law enforcement officer who executes a search warrant to (1) give a copy of the search warrant, the application, and the affidavit to an authorized occupant of the premises searched or leave a copy of those materials at the premises searched; (2) prepare a detailed search warrant return which must include the date and time at which the search warrant was executed; (3) give a copy of the search warrant return to an authorized occupant of the searched premises or leave a copy at the premises; and (4) file a copy of the search warrant return with the court in person, by secure fax, or by secure electronic mail.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Search Warrants - Procedures* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014.

Maryland General Assembly. 21 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0009/hb1109.pdf)

HB 1161 - Criminal Procedure - Electronic Device Location Information - Order

This bill authorizes a court to issue an order authorizing or directing a law enforcement officer to obtain “location information” from an “electronic device.” “Location information” means real-time or present information concerning the geographic location of an electronic device that is generated by or derived from the operation of that device. The bill (1) establishes requirements for an application for a location information order; (2) requires disclosure of specified information to a user/owner; and (3) requires courts and the Administrative Office of the Courts (AOC) to submit specified information on an annual basis.

The bill takes effect October 1, 2014.

(Maryland Gen. Assembly. Dept. of Legis. Services. *Criminal Procedure - Electronic Device Location Information - Order* – Fiscal and Policy Note. Annapolis: Department of Legislative Services, 2014. Maryland General Assembly. 4 March 2014. Available at:

http://mgaleg.maryland.gov/2014RS/fnotes/bil_0001/hb1161.pdf)

Q00

Department of Public Safety and Correctional Services

Budget Amendments

Add the following language:

Provided that \$600,000 of the General Fund appropriation within the Department of Public Safety and Correctional Services (DPSCS) may not be expended until:

- (1) by November 1, 2014, the following items are reported to the budget committees and members of the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities:
 - (i) development of a risk assessment tool for pretrial and sentenced offenders in Baltimore City to determine whether the Baltimore City Detention Center (BCDC) is the appropriate place of confinement;
 - (ii) list of projects and associated cost estimates to improve conditions at BCDC until construction of new detention facilities can begin;
 - (iii) the percentage of security cameras functioning within each region as part of the annual departmental Managing for Results submission;
 - (iv) a plan for having an independent third party conduct comprehensive security audits for each facility on a 3-year cycle;
 - (v) an evaluation of the use of full body scanners to detect contraband at all State-operated correctional and detention facilities; and
 - (vi) a plan to employ correctional officers with arrest powers at each of its 22 facilities on a 24-hour basis. The plan should specify, to what extent, the department can achieve this objective with existing resources. As part of its evaluation, the department should consider (1) utilizing a phased-in approach, beginning with BCDC; (2) assigning a correctional officer with arrest powers to a group of correctional facilities that are located within close proximity of each other; and (3) executing formal agreements with local law enforcement agencies to assist DPSCS with arresting non-incarcerated individuals; and
- (2) the budget committees have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Q00

Further provided that it is the intent of the General Assembly that the Governor shall provide an additional 423 correctional officer positions to the department, above fiscal 2015 staffing levels. Starting in fiscal 2016, 100 positions shall be added each year until a total of 523 positions are successfully included in the department's personnel complement. This intent is in accordance with the phased-in plan established in the fiscal 2014 operating budget and the recommendations of the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, to increase the overall total number of correctional officers. The total number of additional officers to be provided is reflective of the department's most recent staffing analysis, submitted to the General Assembly in January 2014.

Explanation: This language restricts funds pending a plan to evaluate or implement non-statutory recommendations proffered by the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities. It requires submission of various reports addressing concerns with conditions at BCDC, security evaluations and technology, how best to control the entrance of contraband into correctional facilities, and the use of correctional officers with arrest powers. This language also expresses legislative intent that the Administration continue to implement the plan for increasing the number of correctional officers over multiple years. The plan established by the General Assembly, and supported by the commission, is to provide 100 additional positions annually. The fiscal 2015 allowance does include 100 positions for this purpose. This language identifies the total position need as 423 positions beyond what is provided for in the fiscal 2015 allowance, in accordance with the most recent staffing assessment submitted to the legislature in January 2014.

Information Request	Author	Due Date
Actions to improve public safety and security in State correctional facilities	DPSCS	November 1, 2014

Q00A
Administration
Department of Public Safety and Correctional Services

Budget Amendments

Q00A02.03 Programs and Services

Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services submits a report to the budget committees providing continued recidivism data and a cost-benefit analysis of the Public Safety Compact (PSC). The report should also explore other outcome measures for PSC participants relating to their family, substance abuse, and employment status. The report shall be submitted by November 1, 2014, and the budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: The Department of Public Safety and Correctional Services (DPSCS) has been engaged in the Public Safety Compact (PSC) for nearly five years. A preliminary analysis of PSC participants reveals positive outcomes with regard to recidivism. As the department considers whether to continue providing these services under the existing model, it would be beneficial to continue to monitor recidivism outcomes and have a better understanding of how participation might impact other social factors. A cost-benefit analysis would also provide valuable assessment of the program from a fiscal perspective.

Information Request	Author	Due Date
Public Safety Compact	DPSCS	November 1, 2014

Add the following language to the general fund appropriation:

Further provided that \$100,000 of this appropriation may not be expended until the Department of Public Safety and Correctional Services submits a report to the budget committees on the implementation of a reentry mediation initiative and associated outcomes demonstrating the effectiveness of the program. The evaluation should improve on a previous study by utilizing a control group not participating in or volunteering to receive mediation services. The report shall be submitted by June 30, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Q00A

Explanation: New funding was included in the fiscal 2015 allowance to support mediation services in two regions within the Department of Public Safety and Correctional Services (DPSCS). Prior studies on the impact of mediation services on Maryland's inmate population have shown only a positive impact on the likelihood of being re-arrested and have had significant limitations within the research model. This language restricts funds until DPSCS submits a new evaluation of the program that accounts for some of the limitations experienced in the previous study.

Information Request	Author	Due Date
Implementation and outcomes of re-entry mediation	DPSCS	June 30, 2015

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Delete funding for a pilot program to provide community services for youthful offenders. This initiative has yet to be fully developed and limited information is available regarding the implementation plan or measureable outcomes.	366,804 GF	
Total Reductions	366,804	0.00

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	52.00	52.00		0.00
General Fund	6,104,964	5,738,160	366,804	
Special Fund	730,050	730,050	0	
Total Funds	6,835,014	6,468,210	366,804	

Q00A

Committee Narrative

Collaboration Among State Agencies in the Provision of Services to Youthful Offenders: The budget committees understand the concern for providing support to the population of youthful offenders who are no longer under the authority of the Department of Juvenile Services but continue to be at risk of entering into the adult criminal justice system. It is the intent of the budget committees that the Department of Public Safety and Correctional Services (DPSCS) and the Department of Juvenile Services (DJS), in consultation with any other relevant State agencies, develop a plan for addressing the needs of this population of youthful offenders. The plan should identify which State agency or agencies would be most appropriate for administering a program to provide community-based services to youth who have aged out of the DJS system but are still in need of assistance in order to avoid migration to the adult criminal justice system. In addition, the plan should include the types of services that would be provided, an estimate of the size of the potential target population, a description of how the population would be identified and referred to the program, and a cost estimate for operating such a program. The requested information should be submitted to the budget committees no later than October 31, 2015.

Information Request	Authors	Date
Service provision for youthful offenders	DPSCS DJS	October 31, 2015

Q00C01
Maryland Parole Commission
Department of Public Safety and Correctional Services

Committee Narrative

MARYLAND PAROLE COMMISSION

Q00C01.01 General Administration and Hearings

Parole Releases in Relation to the Parole Eligibility Date: The budget committees are interested in continuing to monitor the percentage of offenders who are paroled at or near their parole eligibility date. The Maryland Parole Commission (MPC) reports that only 22% of offenders were paroled by their eligibility date in fiscal 2013 and that comparison data is not available for fiscal 2012. The Department of Public Safety and Correctional Services misestimated the number of offenders who would be paroled by their eligibility date under its Earned Release Policy, which has resulted in significant underfunding in fiscal 2014. The budget committees direct MPC to provide parole data for fiscal 2014 including the total number of paroles, the number paroled by the eligibility date, within 12 months, and beyond 12 months of the eligibility date. MPC should also evaluate whether this would be an appropriate performance measure for inclusion in the agency's Managing for Results submission. The data shall be provided to the budget committees no later than November 1, 2014.

Information Request	Author	Due Date
Parole releases in relation to the parole eligibility date	MPC	November 1, 2014

Q00G
Police and Correctional Training Commissions
Department of Public Safety and Correctional Services

Committee Narrative

POLICE AND CORRECTIONAL TRAINING COMMISSIONS

Q00G00.01 General Administration

Correctional In-service Training Enhancement: It is the intent of the budget committees that the Department of Public Safety and Correctional Services (DPSCS) should make increasing in-service training for custodial employees a priority at facilities located in Baltimore City. The department's current plan is for a multi-year phase-in to expand in-service training from 18 to 40 hours annually at all DPSCS facilities. Under the proposed implementation schedule, the Baltimore City Detention Center (BCDC) and the Baltimore Central Booking and Intake Center (BCBIC) would be the final two facilities to receive increased training. These facilities would not participate in 40 hours of annual in-service training until fiscal 2018. Given the significant operating deficiencies identified at those facilities in April 2013, enhanced training for Central Region staff should be of the utmost importance. The budget committees urge DPSCS to reevaluate its current implementation schedule and provide enhanced training to BCDC and BCBIC employees by the end of fiscal 2016.

Q00N
Maryland Commission on Correctional Standards
Department of Public Safety and Correctional Services

Committee Narrative

MARYLAND COMMISSION ON CORRECTIONAL STANDARDS

Q00N00.01 General Administration

Evaluation of the Standards Used by the Maryland Commission on Correctional Standards and Movement toward the American Correctional Association Accreditation: The budget committees request that the Department of Public Safety and Correctional Services (DPSCS), in line with recommendations from the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities, conduct a study on the following items:

- the extent to which correctional facilities in the State are in compliance with mandatory standards set by the Maryland Commission on Correctional Standards (MCCS);
- methods to prevent duplication of efforts and resources with facility evaluations conducted by MCCS and the American Correctional Association (ACA);
- methods to align standards at all correctional facilities, regardless of whether the facility is accredited by ACA; and
- the potential for altering the audit process to limit the advance notice given to facilities prior to conducting an initial audit.

The report should identify any regulations adopted by the department that amend the commission's standards in accordance with the results of the study. The submitted report should also provide the proposed implementation schedule for ACA accreditation at each correctional facility and an associated fiscal estimate for achieving accreditation. The department should collaborate with the exclusive representative for correctional officers at State facilities to complete the study. The report should be submitted to the budget committees no later than December 1, 2014.

Information Request	Author	Due Date
Evaluation of MCCS standards	DPSCS	December 1, 2014

Q00Q
Operations
Department of Public Safety and Correctional Services

Budget Amendments

Add the following language:

Provided that 15 regular positions and \$1,000,000 in associated general funds shall be deleted from within the General Administration, Corrections, Community Supervision, and Detention programs within the North, South, and Central Regions of the Department of Public Safety and Correctional Services (DPSCS). The department should use its discretion in selecting the specific positions to abolish; however, it is the intent of the General Assembly that the abolished positions should be long-term vacancies and should not include correctional officer or community supervision agent positions.

Further provided that DPSCS shall submit a report to the budget committees specifying the Position Identification Numbers, salary and fringe benefit expenses, and budget codes for the abolished positions. The report shall be submitted to the budget committees no later than July 15, 2014.

Explanation: The Operations function within DPSCS has 74 vacancies beyond what is needed to meet fiscal 2015 budgeted turnover; 65 of the vacancies have been vacant for more than 12 months, and 15 of the positions have been vacant for longer than two years. This action abolishes 15 positions and reduces the general fund appropriation by \$1 million. The language allows DPSCS to select the specific positions to be abolished but expresses legislative intent that the abolished positions should not be filled and should not include correctional officers or community supervision agents. The action also requires the department to submit a report to the legislature identifying the specific positions once they are abolished.

Information Request	Author	Due Date
DPSCS – Operations abolished positions	DPSCS	July 15, 2014

Q00Q

GENERAL ADMINISTRATION – SOUTH

Q00S01.01 General Administration

Add the following language to the general fund appropriation:

, provided that because the Central Region Finance Office (CRFO) has had four or more repeat findings in the most recent fiscal compliance audit issued by the Office of Legislative Audits (OLA), \$200,000 of this agency's administrative appropriation may not be expended unless:

- (1) CRFO has taken corrective action with respect to all repeat audit findings on or before November 1, 2014; and
- (2) a report is submitted to the budget committees by OLA listing each repeat audit finding along with a determination that each repeat finding was corrected. The budget committees shall have 45 days to review and comment to allow for funds to be released prior to the end of fiscal 2015.

Explanation: Language was added in fiscal 2014 to restrict funds pending the resolution of repeat audit findings within CRFO. The Department of Public Safety and Correctional Services has indicated that the repeat findings will not be resolved until August 31, 2014, at the earliest. This action reiterates the fiscal 2014 language and restricts funds until OLA confirms that the repeat findings have been resolved.

Information Request	Author	Due Date
CRFO resolution of repeat findings	OLA	Not later than May 15, 2015

Add the following language to the general fund appropriation:

Further provided that \$100,000 of this appropriation, made for the purpose of Department of Public Safety and Correctional Services operations, may not be expended for that purpose but instead may be transferred by budget amendment to the Comptroller of Maryland to be used only for crediting inmate accounts in order to reconcile the aggregate balance of individual inmate accounts in the Maryland Offender Banking System with the corresponding records of the Comptroller of Maryland. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

Q00Q

Explanation: A 2012 Office of Legislative Audits report identified a significant irreconcilable difference between the aggregate balance of individual inmates in the Maryland Offender Banking System (MOBS) and the corresponding records of the Comptroller of Maryland. According to an April 2013 reconciliation prepared for the Department of Public Safety and Correctional Services (DPSCS) Central Region Finance Office, the unresolved difference was \$341,927. DPSCS is unable to fully resolve outstanding repeat audit findings until the difference between MOBS and the Comptroller's records has been resolved. This action restricts \$100,000 in general funds for the sole purpose of reconciling the outstanding difference.

COMMUNITY SUPERVISION – CENTRAL

Q00T03.01 Community Supervision

Add the following language to the general fund appropriation:

, provided that \$200,000 of this appropriation made for the purpose of community supervision may not be expended until the Department of Public Safety and Correctional Services Operations submits a report to the budget committees on the results from a time study to determine an appropriate general caseload standard for parole and probation agents. The submitted report shall also include a proposed staffing plan for the community supervision function in response to the time study findings, including identification of the need for additional positions. The report shall be submitted by May 15, 2015, and the budget committees shall have 45 days to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: Funds had been restricted in fiscal 2014 pending the receipt of results from a time study of community supervision agent caseloads. The results are necessary to determine an appropriate caseload standard for general supervision cases. The Department of Public Safety and Correctional Services (DPSCS) encountered delays in procuring a researcher to conduct the study and is unable to provide results in fiscal 2014. This action reiterates the restrictive language until the time study results are submitted in fiscal 2015 and requires the department to develop a staffing plan in response to the findings.

Information Request	Author	Due Date
Time study of community supervision agent caseloads and proposed staffing plan	DPSCS	May 15, 2015