

CORRECTIONAL SERVICE ARTICLE
Title 8 – State and Local Correctional System – Generally
Subtitle 2 – Correctional Training Commission
Annotated Code of Maryland
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§8–201. Definitions

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Approved correctional training school” means a school authorized by the Commission to offer training programs as provided under this subtitle.
- (c) “Commission” means the Correctional Training Commission.
- (d) “Correctional administrator” means a correctional officer who has been promoted from a supervisory rank to first–line administrative duties.
- (e) (1) “Correctional officer” means a member of a correctional unit whose duties relate to the investigation, care, custody, control, or supervision of incarcerated individuals and individuals who:
- (i) have been placed on parole or mandatory supervision;
 - (ii) have been placed on probation; or
 - (iii) have received a suspended sentence.
- (2) “Correctional officer” does not include:

- (i) the head or deputy head of a correctional unit; or
 - (ii) a sheriff, warden, or superintendent or an individual with an equivalent title who is appointed or employed by a unit of government to exercise equivalent supervisory authority.
- (f) “Correctional supervisor” means a correctional officer who has been promoted to first–line supervisory duties.
- (g) (1) “Correctional unit” means a unit of State, county, or municipal government that is responsible under a statute, ordinance, or court order for the investigation, care, custody, control, and supervision of incarcerated individuals and individuals who:
- (i) have been placed on parole or mandatory supervision;
 - (ii) have been placed on probation; or
 - (iii) have received a suspended sentence.
- (2) “Correctional unit” includes those facilities as set forth in § 9–226 of the Human Services Article and other facilities as designated by the Secretary of Juvenile Services.
- (h) (1) “Department of Juvenile Services employee” means a youth supervisor, youth counselor, direct care worker, direct education staff member, or other employee of the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.
- (2) “Department of Juvenile Services employee” includes an employee of any nonprofit or for–profit entity under contract with the Department of Juvenile Services whose employment responsibility is the investigation, custody, control, or supervision of minors, juvenile delinquents, and youthful offenders as described under paragraph (1) of this subsection.
- (i) “Permanent appointment” means an appointment that has permanent status.

§8–202. Legislative Findings

The General Assembly finds that:

- (1) there is a need to improve the administration of the correctional system to better protect the health, safety, and welfare of the public;
- (2) the ultimate goal of the correctional system is to make the community safer by reducing the incidence of crime;
- (3) establishing a correctional system with significantly increased power to reduce recidivism and prevent recruitment into criminal careers will require a sufficient number of qualified staff to perform the many tasks to be done;
- (4) recent studies have revealed that greater training for correctional work is highly desirable;
- (5) the need for training can be substantially met by creating educational and training programs for individuals seeking careers as correctional officers;
- (6) while serving in a probationary capacity, a correctional officer should be required to receive efficient training provided at facilities that are approved by a commission that is authorized to approve training facilities;

(7) by qualifying and becoming proficient in the field of corrections, correctional officers shall individually and collectively better insure the health, safety, and welfare of the public; and

(8) Department of Juvenile Services employees should have specific and appropriate training for that population.

§8–203. Established

There is a Correctional Training Commission in the Department.

§8–204. Membership

(a) (1) In this section the following words have the meanings indicated.

(2) “Capital region” means Frederick County, Montgomery County, and Prince George’s County.

(3) “Central region” means Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County.

(4) “Eastern Shore region” means Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne’s County, Somerset County, Talbot County, Wicomico County, and Worcester County.

(5) “Southern region” means Calvert County, Charles County, and St. Mary’s County.

(6) “Western region” means Allegany County, Garrett County, and Washington County.

(b) The Commission consists of the following members:

(1) the Secretary of Public Safety and Correctional Services;

(2) the Secretary of Juvenile Services;

(3) a representative of the Department of Public Safety and Correctional Services, designated by the Secretary of Public Safety and Correctional Services;

(4) a representative of the Department of Juvenile Services, designated by the Secretary of Juvenile Services;

(5) a Deputy Secretary of Public Safety and Correctional Services;

(6) the president of the Maryland Correctional Administrators Association;

(7) the president of the Maryland Sheriffs Association;

(8) the president of the Maryland Criminal Justice Association;

(9) the Attorney General of the State;

(10) the president of a university or college in the State with a correctional education curriculum, appointed by the Maryland Higher Education Commission;

(11) one correctional officer of the State recommended by the exclusive representative for the officers covered under Title 10, Subtitle 9 of this article and appointed by the Governor; and

(12) five correctional officers or officials appointed under subsection (c) of this section.

(13) the Director of the Division of Parole and Probation within the Department of Public Safety and Correctional Services; and

(14) one employee of the Division of Parole and Probation recommended by the exclusive representative for the employees of the Division of Parole and Probation and appointed by the Governor.

(c) (1) The Governor shall appoint, with the advice and consent of the Senate, five correctional officers or officials from local correctional facilities to be members of the Commission.

(2) The five members appointed under paragraph (1) of this subsection shall represent each of the following geographic areas of the State:

(i) the capital region;

(ii) the central region;

(iii) the Eastern Shore region;

(iv) the southern region; and

(v) the western region.

(3) The term of a member who is appointed under paragraph (1) of this subsection is 3 years.

(4) The terms of the members who are appointed under paragraph (1) of this subsection are staggered as required by the terms provided for members of the Commission on June 1, 2024.

(5) (i) At the end of a term, a member who was appointed under paragraph (1) of this subsection continues to serve until a successor is appointed and qualifies.

(ii) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed and qualifies.

(d) Except for the five members appointed by the Governor under subsection (c) of this section, a member of the Commission may serve personally at a Commission meeting or designate a representative from the member's unit or association who may act at any meeting to the same effect as if the member were personally present.

§8–205. Officers

(a) The Secretary of Public Safety and Correctional Services or the Secretary's representative is the chairperson of the Commission.

(b) The Commission shall elect annually a vice chairperson from among its members.

§8–206. Staff

- (a) (1) With the approval of the Secretary, the Commission shall appoint an Executive Director.
- (2) The Executive Director shall perform general administrative functions.
- (3) The Executive Director serves at the pleasure of the Commission.
- (b) (1) With the approval of the Secretary, the Commission shall appoint a Deputy Director and any other employees that the Commission considers necessary to perform general administrative and training management functions.
- (2) The Deputy Director and other employees appointed under paragraph (1) of this subsection shall serve at the pleasure of the Commission.
- (c) In accordance with the State budget, the Commission may set the compensation of:
 - (1) the Executive Director and the Deputy Director; and
 - (2) a Commission employee in a position that:
 - (i) is unique to the Commission;
 - (ii) requires specific skills or experience to perform the duties of the position; and
 - (iii) does not require the employee to perform functions that are comparable to functions performed in other units of the Executive Branch of State government.
- (d) The Secretary of Budget and Management, in consultation with the Commission, shall determine the positions for which the Commission may set compensation under subsection (c) of this section.

§8–207. Meetings; Quorum; Compensation; Records

- (a) The Commission shall meet in the State at the times determined by:
 - (1) a majority of the authorized membership of the Commission;
 - (2) the chairperson of the Commission; or
 - (3) the Secretary.
- (b) A majority of the authorized membership of the Commission is a quorum.
- (c) A member of the Commission:
 - (1) may not receive compensation for service on the Commission; but
 - (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) The Commission shall:
 - (1) maintain minutes of its meetings and any other records that it considers necessary; and
 - (2) provide information, on request, regarding the budget, activities, and programs of the Commission.

§8–208. Powers and Duties

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in-service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum, including entrance-level and annual training in the proper use of electronic control devices, as defined in § 4–109 of the Criminal Law Article, for correctional officers who are issued an electronic control device by a correctional unit, consistent with established law enforcement standards and federal and State constitutional provisions;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;

(7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;

(8) to conduct and operate approved correctional training schools;

(9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;

(10) to make a continuous study of correctional training methods and procedures for all correctional training schools;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;

(13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

(b) For any contract entered on or after July 1, 2000 between the Department of Juvenile Services and any nonprofit or for-profit entity, the cost and expenses for any course or training required under subsection (a)(14) of this section for Department of Juvenile Services employees of any nonprofit or for-profit entity under contract with the Department of Juvenile Services shall be paid for or reimbursed by the nonprofit or for-profit entity, and may not be a part of or reimbursed by funds from the contract with the Department of Juvenile Services.

§8–209. Probationary Appointment of Correctional Officers

(a) An individual may not be given or accept a probationary or permanent appointment as a correctional officer, correctional supervisor, or correctional administrator unless the individual satisfactorily meets minimum qualifications established by the Commission.

(b) A probationary appointment as a correctional officer, correctional supervisor, or correctional administrator may be made for no more than 1 year for the purpose of enabling the individual seeking permanent appointment to take a training course prescribed by the Commission.

(c) A probationary appointee is entitled to a leave of absence with pay during the period of the training program.

(d) The Commission shall establish the minimum qualifications for probationary or permanent appointment as a Department of Juvenile Services employee.

§8–209.1. Criminal History Record Check Procedures for Applicants to be Certified Correctional Officers and Department of Juvenile Services Employees

(a) (1) In this section the following words have the meanings indicated.

(2) “Applicant” means an individual who is seeking certification as:

(i) a correctional officer; or

(ii) a Department of Juvenile Services employee, as defined in § 8–201(h) of this subtitle.

(3) “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) An applicant for certification under this section shall apply to the Central Repository for a State and national criminal history records check.

(c) As part of the application for a criminal history records check, an applicant shall submit to the Central Repository:

(1) a complete set of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) the fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to Maryland criminal history records; and

(3) the mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(d) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the Commission and the applicant the criminal history record information.

(e) Information obtained from the Central Repository under this section:

(1) shall be confidential;

(2) may not be disseminated; and

(3) may be used only for the licensing purpose authorized by this title.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

(g) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Commission a revised statement of the applicant's or certified correctional officer's State criminal history record.

§8–209.2. Revocation and Reinstatement of Certification

(a) The Commission may revoke the certification of a correctional officer or Department of Juvenile Services employee in conjunction with disciplinary action taken under Title 11 of the State Personnel and Pensions Article.

(b) (1) If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a correctional officer under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the correctional officer's certification with no further examination or condition.

(2) If the court, acting under § 10–911 of this article, rescinds or modifies a disciplinary action against a correctional officer, the court may reinstate the correctional officer's certification with no further examination or condition.

(c) If the Office of Administrative Hearings rescinds or modifies a disciplinary action against a Department of Juvenile Services employee under Title 11 of the State Personnel and Pensions Article, the Office of Administrative Hearings may reinstate the employee's certification with no further examination or condition.

§8–210. Powers and Duties of Local Government

Except as expressly provided in this subtitle, this subtitle does not limit the powers, rights, duties, or responsibilities of a municipal or county government.