

# SENATE BILL 899

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2lr2912  
CF HB 930

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By: **Senators Gladden, Kelley, Klausmeier, Raskin, and Stone**

Introduced and read first time: February 8, 2012

Assigned to: Rules

Re-referred to: Finance, February 10, 2012

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Correctional Officer – Emergency Suspension**  
3 **Rescinded**

4 FOR the purpose of providing that a State correctional officer who receives an  
5 emergency suspension without pay after being ~~charge~~ charged with a felony and  
6 who is not convicted of the felony shall have the emergency suspension  
7 rescinded and any lost time, compensation, status, and benefits restored;  
8 providing that this Act does not apply to a State correctional officer under  
9 certain circumstances; and generally relating to the rights of a State  
10 correctional officer.

11 BY repealing and reenacting, with amendments,  
12 Article – Correctional Services  
13 Section 10–913  
14 Annotated Code of Maryland  
15 (2008 Replacement Volume and 2011 Supplement)

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

18 **Article – Correctional Services**

19 10–913.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) This subtitle does not prohibit emergency suspension with pay by a  
2 correctional officer of higher rank as designated by the appointing authority.

3 (b) (1) The appointing authority may impose emergency suspension with  
4 pay if it appears that the action is in the best interest of the inmates, the public, and  
5 the correctional facility.

6 (2) If the correctional officer is suspended with pay, the appointing  
7 authority may suspend the correctional powers of the correctional officer and reassign  
8 the correctional officer to restricted duties pending:

9 (i) a determination by a court with respect to a criminal  
10 violation; or

11 (ii) a final determination by the hearing board or the Office of  
12 Administrative Hearings with respect to a correctional facility violation.

13 (3) A correctional officer who is suspended under this subsection is  
14 entitled to a prompt hearing.

15 (c) (1) If a correctional officer is charged with a felony, the appointing  
16 authority may impose an emergency suspension of correctional powers without pay.

17 (2) A correctional officer who is suspended under paragraph (1) of this  
18 subsection is entitled to a prompt hearing, held no more than 90 days after the  
19 suspension.

20 (3) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
21 SUBSECTION, A CORRECTIONAL OFFICER WHO IS SUSPENDED UNDER  
22 PARAGRAPH (1) OF THIS SUBSECTION AND WHO IS NOT CONVICTED OF THE  
23 FELONY FOR WHICH THE SUSPENSION WAS IMPOSED SHALL HAVE:

24 (I) THE SUSPENSION RESCINDED; AND

25 (II) ANY LOST TIME, COMPENSATION, STATUS, AND  
26 BENEFITS RESTORED.

27 (4) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO A  
28 CORRECTIONAL OFFICER WHO:

29 (I) RESIGNS BEFORE THE DISPOSITION OF THE CRIMINAL  
30 MATTER FOR WHICH THE SUSPENSION WAS IMPOSED; OR

31 (II) IS NO LONGER EMPLOYED BY THE DEPARTMENT WHEN  
32 A DETERMINATION IS MADE BY A COURT WITH RESPECT TO THE CRIMINAL  
33 MATTER FOR WHICH THE SUSPENSION WAS IMPOSED.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.