

Chapter 616

(Senate Bill 899)

AN ACT concerning

Correctional Services – Correctional Officer – Emergency Suspension Rescinded

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after being ~~charge~~ charged with a felony and who is not convicted of the felony shall have the emergency suspension rescinded and any lost time, compensation, status, and benefits restored; providing that this Act does not apply to a State correctional officer under certain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

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

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

Article – Correctional Services

10–913.

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

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

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

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

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

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

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

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

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

(I) THE SUSPENSION RESCINDED; AND

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

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

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

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

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

Approved by the Governor, May 22, 2012.