

HOUSE BILL 132

P3
HB 118/10 – JUD

11r0063

By: **Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)**

Introduced and read first time: January 25, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services – Secretary – Acting**
3 **Capacity**

4 FOR the purpose of adding certain members of the executive staff of the Secretary of
5 Public Safety and Correctional Services to a list of individuals who may be
6 designated to serve as acting Secretary when the Secretary is absent from the
7 State or otherwise unavailable; requiring the Secretary to designate one
8 individual from the list to serve as acting Secretary under certain
9 circumstances; and generally relating to the Secretary of Public Safety and
10 Correctional Services.

11 BY repealing and reenacting, with amendments,
12 Article – Correctional Services
13 Section 2–102 and 2–105
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2010 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 2–102.

20 (a) (1) With the advice and consent of the Senate, the Governor shall
21 appoint the Secretary of Public Safety and Correctional Services.

22 (2) The Secretary is the head of the Department.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Before taking office, the appointee shall take the oath required by Article
2 I, § 9 of the Maryland Constitution.

3 (c) (1) The Secretary serves at the pleasure of the Governor and is
4 responsible directly to the Governor.

5 (2) The Secretary shall advise the Governor on all matters assigned to
6 the Department and is responsible for carrying out the Governor's policies on public
7 safety, crime prevention, correction, parole, and probation.

8 (d) The Secretary is entitled to the compensation provided in the State
9 budget.

10 **(E) THE SECRETARY SHALL DESIGNATE ONE OF THE FOLLOWING**
11 **MEMBERS OF THE SECRETARY'S EXECUTIVE STAFF TO BE THE ACTING**
12 **SECRETARY WHEN THE SECRETARY IS ABSENT FROM THE STATE OR**
13 **OTHERWISE UNAVAILABLE:**

14 **(1) A DEPUTY SECRETARY;**

15 **(2) AN ASSISTANT SECRETARY;**

16 **(3) THE COMMISSIONER OF CORRECTION;**

17 **(4) THE COMMISSIONER OF PRETRIAL DETENTION AND**
18 **SERVICES; OR**

19 **(5) THE DIRECTOR OF THE DIVISION OF PAROLE AND**
20 **PROBATION.**

21 2-105.

22 (a) With the approval of the Governor, the Secretary shall appoint two
23 Deputy Secretaries.

24 (b) The Deputy Secretaries:

25 (1) serve at the pleasure of the Secretary; and

26 (2) are entitled to the compensation provided in the State budget.

27 (c) The Deputy Secretaries:

28 (1) shall assist the Secretary in administering the Department; and

1 (2) have the other duties provided by law or delegated by the
2 Secretary.

3 **[(d)** The Secretary shall designate a Deputy Secretary to be the acting
4 Secretary when the Secretary is absent from the State or otherwise unavailable.]

5 **[(e) (D)** If the Secretary is required by law to make an appointment, with
6 the approval of the Governor, to a particular office within the Department and the
7 appointee is required by law to serve at the pleasure of the Secretary, the Secretary
8 may not remove the appointee without first obtaining the Governor's approval.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2011.