

HOUSE BILL 210

E4, B1, B5

5lr0986
CF 5lr1742

By: **Delegates Cluster, Arentz, Cassilly, Impallaria, Jacobs, Krebs, Metzgar, Miele,
W. Miller, Parrott, Ready, Szeliga, and B. Wilson**

Introduced and read first time: January 30, 2015

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Baltimore City Detention Center – Transfer of**
3 **Ownership**

4 FOR the purpose of abolishing the Division of Pretrial Detention and Services within the
5 Department of Public Safety and Correctional Services; repealing the authority of
6 the Division of Pretrial Detention and Services to operate and control the Baltimore
7 City Detention Center and the centralized booking facility for Baltimore City;
8 repealing certain findings and policies relating to inmates housed at the Detention
9 Center; repealing certain provisions relating to inmate medical care; establishing
10 certain policies and findings relating to the transfer of ownership of the Detention
11 Center from the State to the City of Baltimore; providing for the commitment of
12 certain persons after a certain date; providing for the transfer of title to and
13 possession and preservation of certain records; providing for the termination of
14 employees of the Detention Center; requiring the State to provide certain leave
15 benefits to former employees of the Detention Center; specifying certain financial
16 responsibilities of the State; providing for the hiring of former employees of the
17 Detention Center under certain circumstances at certain salaries; providing for
18 certain pension and health insurance benefits for certain former employees of the
19 Detention Center; authorizing the Mayor of Baltimore City to accept certain
20 liabilities and assume certain contracts of the State under certain circumstances;
21 specifying the applicability of the Maryland Tort Claims Act; authorizing the Mayor
22 of Baltimore City to assume certain procurement and construction contracts entered
23 into by the State under certain circumstances; directing the transfer of property,
24 assets, licenses, credits, and rights of the Detention Center to the Mayor of Baltimore
25 City; providing that the transfer of the property, assets, licenses, credits, and rights
26 of the Detention Center may not go into effect until it is approved by the Board of
27 Public Works; requiring the State to pay the operating and capital costs of the
28 Detention Center in specified years; requiring the City of Baltimore to pay a certain
29 part of the operating and capital costs of the Detention Center in a specified year;
30 requiring the City of Baltimore to pay all of the operating and capital costs of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Detention Center beginning in a specified year; requiring that the Mayor of
2 Baltimore City and the Secretary of Budget and Management enter into a certain
3 memorandum of understanding; providing that the memorandum of understanding
4 may not go into effect until approved by the Board of Public Works; requiring the
5 City of Baltimore and the State to establish a certain process to inform and advise
6 certain employees about certain matters; providing that certain employees may
7 present certain grievances; specifying certain contractual obligations; altering the
8 definition of “local correctional facility” to include a facility operated by Baltimore
9 City; making certain conforming changes; repealing and correcting certain
10 references; defining a certain term; and generally relating to the Baltimore City
11 Detention Center.

12 BY repealing and reenacting, without amendments,
13 Article – Correctional Services
14 Section 1–101(a)
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Correctional Services
19 Section 1–101(j) and (o), 9–106, 9–604, 10–304, 10–701(c)(1)(vi), 10–801(a), (c)(1),
20 and (d), and 11–704
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2014 Supplement)

23 BY repealing
24 Article – Correctional Services
25 Section 5–101 and 5–102 and the subtitle “Subtitle 1. Definitions; General
26 Provisions”; 5–201, 5–202, and 5–203 and the subtitle “Subtitle 2. Division of
27 Pretrial Detention and Services”; 5–301 and 5–302 and the subtitle “Subtitle
28 3. Pretrial Release Services Program”; 5–401 through 5–406 and the subtitle
29 “Subtitle 4. Baltimore City Detention Center”; and the title “Title 5. Division
30 of Pretrial Detention and Services”; and 11–101
31 Annotated Code of Maryland
32 (2008 Replacement Volume and 2014 Supplement)

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

35 **Article – Correctional Services**

36 1–101.

37 (a) In this article the following words have the meanings indicated.

38 (j) “Local correctional facility” means a correctional facility that is operated:

1 (1) by one or more counties; [or]

2 (2) **BY BALTIMORE CITY; OR**

3 **(3)** by a municipal corporation.

4 (o) (1) “State correctional facility” means a correctional facility that is
5 operated by the State.

6 (2) “State correctional facility” includes[:

7 (i)] the Patuxent Institution[;

8 (ii) the Baltimore City Detention Center; and

9 (iii) the centralized booking facility in Baltimore City that is operated
10 by the Division of Pretrial Detention and Services in the Department of Public Safety and
11 Correctional Services].

12 [Title 5. Division of Pretrial Detention and Services.]

13 [Subtitle 1. Definitions; General Provisions.]

14 [5–101.

15 (a) In this title the following words have the meanings indicated.

16 (b) “Commissioner” means the Commissioner of Pretrial Detention and Services.

17 (c) “Division” means the Division of Pretrial Detention and Services.]

18 [5–102.

19 (a) The creation of the Division is based on the findings and policies set forth in
20 this section.

21 (b) (1) Each year a large number of individuals have criminal charges placed
22 against them in Baltimore City and remain on pretrial status until these charges are
23 adjudicated.

24 (2) Many of the individuals on pretrial status were formerly committed to
25 the Baltimore City Jail.

26 (c) There is an important public need to centralize and coordinate the provision
27 of services to individuals on a pretrial status in Baltimore City.

1 (d) Baltimore City does not have the financial resources to fund a local
2 correctional facility at a level sufficient to meet the needs of those incarcerated.

3 (e) The State recognizes the need to provide effective and efficient services to the
4 public through management of the pretrial population in Baltimore City.]

5 [Subtitle 2. Division of Pretrial Detention and Services.]

6 [5-201.

7 (a) There is a Division of Pretrial Detention and Services in the Department.

8 (b) The Division consists of:

9 (1) a Pretrial Release Services Program;

10 (2) a Baltimore City Detention Center; and

11 (3) a centralized booking facility for Baltimore City.

12 (c) The Division has the same authority with regard to the custody of its inmates
13 and the operation of the Baltimore City Detention Center as:

14 (1) the Division of Correction has under this Code with regard to the
15 custody of its inmates and the operation of the Division of Correction; and

16 (2) the sheriffs have under this Code with regard to the detention of
17 inmates committed to their custody and the operation of local correctional facilities.

18 (d) This title does not limit or supersede the authority of a court to determine the
19 conditions of pretrial release.]

20 [5-202.

21 (a) With the approval of the Governor, the Secretary shall appoint a
22 Commissioner of Pretrial Detention and Services.

23 (b) The Commissioner serves at the pleasure of the Secretary.

24 (c) The Commissioner:

25 (1) has the same authority over the Division as this Code vests in the
26 Commissioner of Correction over the Division of Correction;

27 (2) shall keep safely any inmate committed or transferred to the custody of
28 the Commissioner until the inmate is discharged in accordance with law;

1 (3) is in charge of the Division, subject to the authority of the Secretary;

2 (4) is the appointing authority for all employees of the Division;

3 (5) shall establish a home detention program under terms and conditions
4 that the Secretary provides;

5 (6) may enter agreements with the Commissioner of Correction and
6 governmental units for the housing of any inmate held in the Baltimore City Detention
7 Center;

8 (7) may enter agreements for the housing of any inmate committed to
9 federal or local governmental units in the Baltimore City Detention Center; and

10 (8) may enter other agreements necessary to carry out the purposes of this
11 title.

12 (d) (1) Subject to paragraph (2) of this subsection and notwithstanding any
13 other provision of law, the Commissioner shall establish by regulation the terms and
14 conditions of the home detention program required under subsection (c)(5) of this section.

15 (2) The authority of a court to determine the conditions of pretrial release
16 or to find that a defendant awaiting trial may not be placed on a home detention program
17 may not be limited or superseded by:

18 (i) a regulation of the Division or Department; or

19 (ii) the Division or the Commissioner.]

20 [5-203.

21 (a) With the approval of the Secretary, the Commissioner shall appoint a Deputy
22 Commissioner of Pretrial Detention and Services.

23 (b) The Deputy Commissioner serves at the pleasure of the Commissioner.

24 (c) The Deputy Commissioner shall be the acting Commissioner in the absence of
25 the Commissioner.]

26 [Subtitle 3. Pretrial Release Services Program.]

27 [5-301.

28 (a) There is a Pretrial Release Services Program in the Division.

29 (b) Subject to the authority of the Commissioner and in addition to any other
30 duties established by law, the Pretrial Release Services Program shall perform the pretrial

1 release duties formerly performed by the Pretrial Release Services Division of the
2 Department of Public Safety and Correctional Services, the Pretrial Release Committee,
3 and the Division of Parole and Probation.]

4 [5-302.

5 (a) (1) With the approval of the Secretary, the Commissioner shall appoint the
6 Director and Deputy Director of the Pretrial Release Services Program.

7 (2) The Director is the head of the Pretrial Release Services Program.

8 (b) (1) The Director and Deputy Director of the Pretrial Release Services
9 Program serve at the pleasure of the Commissioner.

10 (2) The Director and Deputy Director are entitled to the compensation
11 provided in the State budget.]

12 [Subtitle 4. Baltimore City Detention Center.]

13 [5-401.

14 (a) There is a Baltimore City Detention Center in the Division.

15 (b) The Baltimore City Detention Center is a pretrial detention facility for
16 inmates committed or transferred to the custody of the Commissioner.

17 (c) The Secretary may authorize the housing in the Baltimore City Detention
18 Center of any inmate held in custody under any unit in the Department.]

19 [5-402.

20 (a) With the approval of the Secretary, the Commissioner shall appoint a warden
21 of the Baltimore City Detention Center.

22 (b) The warden serves at the pleasure of the Commissioner.

23 (c) Subject to the authority of the Commissioner and the Secretary, the warden
24 is in charge of the Baltimore City Detention Center.]

25 [5-403.

26 (a) The Commissioner may appoint assistant wardens for the Baltimore City
27 Detention Center as provided in the State budget.

28 (b) An assistant warden serves at the pleasure of the Commissioner.

1 (c) Subject to the authority of the Commissioner and the Secretary, in the absence
2 of the warden, an assistant warden designated by the warden is in charge of the Baltimore
3 City Detention Center.]

4 [5-404.

5 (a) The Division shall operate a centralized booking facility for Baltimore City.

6 (b) The centralized booking facility shall include:

7 (1) pretrial release services;

8 (2) District Court Commissioners;

9 (3) an Office of the State's Attorney for Baltimore City; and

10 (4) Baltimore City Police Services.

11 (c) The centralized booking facility or the Baltimore City Detention Center shall
12 be equipped for video bail review.]

13 [5-405.

14 (a) An inmate in the Baltimore City Detention Center who is sick, injured, or
15 disabled shall:

16 (1) reimburse the State, as appropriate, for the payment of medical
17 expenses; and

18 (2) provide the warden with any information relating to:

19 (i) the existence of any health insurance, group health plan, or
20 prepaid medical care coverage under which the inmate is insured or covered;

21 (ii) the inmate's eligibility for benefits under the Maryland Medical
22 Assistance Program;

23 (iii) the name and address of the third party payor; and

24 (iv) any policy or other identifying number relating to items (i)
25 through (iii) of this item.

26 (b) (1) In addition to obtaining any reimbursement authorized under
27 subsection (a) of this section and subject to paragraph (4) of this subsection, the Department
28 shall establish a reasonable fee, not to exceed \$4, for each visit by an inmate to an
29 institutional medical unit or noninstitutional physician, dentist, or optometrist.

1 (2) The per visit fee shall be deducted from an inmate's spending financial
2 account, reserve financial account, or similar account held by the warden on behalf of the
3 inmate.

4 (3) The fees collected under this subsection shall be deposited in the
5 General Fund of the State.

6 (4) This subsection does not apply to a visit by an inmate to a medical unit
7 or a physician, dentist, or optometrist if the visit is:

8 (i) required as a part of the intake process;

9 (ii) required for an initial physical examination;

10 (iii) due to a referral by a nurse or physician's assistant;

11 (iv) provided during a follow-up visit that is initiated by a medical
12 professional from the Baltimore City Detention Center;

13 (v) initiated by a medical or mental health staff member of the
14 Baltimore City Detention Center; or

15 (vi) required for necessary treatment.

16 (c) Subsections (a) and (b) of this section do not impose liability for
17 reimbursement or payment of medical expenses on any person other than an inmate
18 personally or through a person that provides insurance, coverage, or other benefits
19 described under subsection (a) of this section.]

20 [5-406.

21 (a) On the recommendation of a health care provider, the warden of the Baltimore
22 City Detention Center and the warden's designees may authorize medical treatment of a
23 juvenile inmate when in the judgment of the warden or a designee the treatment is required
24 and a parent, guardian, or person in loco parentis of the juvenile is not available on a timely
25 basis to give the authorization.

26 (b) The warden or the warden's designees may not be held liable for authorizing
27 medical treatment under this section in good faith.]

28 9-106.

29 (a) This section applies only in Baltimore City.

30 (b) Notwithstanding any other law, a judge who imposes a sentence of
31 imprisonment on an individual shall commit the individual to the custody of the
32 Commissioner of Correction.

1 (c) A judge who commits an individual to custody for any purpose other than
2 service of a sentence shall commit the individual to the custody of the [Commissioner of
3 Pretrial Detention and Services] **MAYOR OF BALTIMORE CITY OR THE MAYOR'S**
4 **DESIGNEE.**

5 9–604.

6 (a) Subject to subsections (c) and (d) of this section, the State shall pay the funeral
7 and burial expenses of an indigent inmate who dies while in the custody of a State
8 correctional facility.

9 (b) The State shall pay the same amount for the funeral and burial expenses of
10 an indigent inmate as the Department of Human Resources pays under § 5–415 of the
11 Human Services Article.

12 (c) To be eligible to receive the benefit under this section, the family of an indigent
13 inmate must be known or registered with the Department of Human Resources.

14 (d) If the body of an indigent inmate is not claimed within 48 hours after death,
15 the State Anatomy Board shall take control of the body for final disposition in accordance
16 with § 5–406 of the Health – General Article.

17 (e) The Commissioner of Correction[, the Commissioner of Pretrial Detention and
18 Services,] and the Director of the Patuxent Institution shall adopt regulations establishing
19 procedures to carry out this section.

20 10–304.

21 The Board shall administer benefits as provided under this subtitle to an individual
22 who, while an inmate in the Patuxent Institution[, the Baltimore City Detention Center,]
23 or a correctional facility in the Division of Correction:

24 (1) was engaged in work for which wages or a stipulated sum of money was
25 paid by a correctional facility; and

26 (2) sustained a permanent partial disability or permanent total disability:

27 (i) as a result of a personal injury arising out of and in the course of
28 work for which wages or a stipulated sum of money was paid by a correctional facility; and

29 (ii) that incapacitated the individual or materially reduced the
30 individual's earning power in that type of work.

31 10–701.

1 (c) (1) An investigator in the Intelligence and Investigative Division may
2 exercise the powers of a peace or police officer in the State on property that is not owned,
3 leased, operated by, or under the control of the Department when:

4 (vi) engaged in an active and official investigation of an inmate in the
5 custody of the Commissioner of Correction [or the Commissioner of Pretrial Detention and
6 Services], an inmate subject to the jurisdiction of the Patuxent Institution, or an individual
7 sentenced to probation or released on parole or mandatory supervision; or

8 10–801.

9 (a) In this section:

10 (1) “contraband” means any item, material, substance, or other thing of
11 value that:

12 (i) is not authorized for inmate possession by the Commissioner of
13 Correction, the Director of Patuxent Institution, [the Commissioner of Pretrial Detention
14 and Services,] or the warden of a State correctional facility; or

15 (ii) is brought into a State correctional facility in a manner
16 prohibited by the Commissioner of Correction, the Director of Patuxent Institution, [the
17 Commissioner of Pretrial Detention and Services,] or the warden of a State correctional
18 facility.

19 (2) “contraband” includes any other property defined in regulations by the
20 Commissioner of Correction[,] **OR** the Director of Patuxent Institution[, or the
21 Commissioner of Pretrial Detention and Services].

22 (c) (1) The Commissioner of Correction[, the] **AND THE** Director of the
23 Patuxent Institution[, and the Commissioner of Pretrial Detention and Services] shall
24 adopt regulations:

25 (i) to define what property constitutes contraband in State
26 correctional facilities;

27 (ii) to establish procedures for the confiscation of contraband by staff
28 of State correctional facilities; and

29 (iii) to establish procedures governing hearings on the issue of
30 forfeiture of confiscated property.

31 (d) (1) Personal property that is unclaimed within the 30–day holding period
32 established under subsection (b) of this section shall be deemed abandoned property.

1 (2) Abandoned property may be sold, converted to the use of the Division
2 of Correction[,] OR the Patuxent Institution, [or the Division of Pretrial Detention and
3 Services,] or otherwise disposed of in accordance with procedures established by regulation.

4 (3) All claims to abandoned property are absolutely barred.

5 [11–101.

6 Except as provided in § 11–102.1 of this subtitle, this subtitle does not apply to
7 Baltimore City.]

8 11–704.

9 (a) [In this section, “Commissioner” means the Commissioner of Pretrial
10 Detention and Services.

11 (b)] This section applies only in Baltimore City.

12 [(c)] (B) (1) The [Commissioner] **MAYOR OF BALTIMORE CITY OR THE**
13 **MAYOR’S DESIGNEE** may allow an inmate of the Baltimore City Detention Center to
14 participate in one of the activities specified in paragraph (2) of this subsection during the
15 period of custody if the participation:

16 (i) is approved by the judge ordering confinement or, if that judge is
17 unable to act, by another judge of the committing court; and

18 (ii) is in accordance with available programs.

19 (2) Subject to paragraph (1) of this subsection, an inmate may:

20 (i) continue regular employment;

21 (ii) obtain new employment;

22 (iii) participate in a training, rehabilitation, or other special program;

23 or

24 (iv) attend an educational institution.

25 (3) (i) An inmate who is authorized to participate in a program under
26 this subsection shall be held in custody between program hours or periods.

27 (ii) The [Commissioner or Commissioner’s] **MAYOR OF**
28 **BALTIMORE CITY OR THE MAYOR’S** designee may allow an inmate who is authorized to
29 participate in a program under this subsection to be held in custody through home
30 detention by the use of electronic monitoring devices.

1 (iii) Subject to the availability of funds, the [Commissioner] **MAYOR**
2 **OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE** may contract for halfway houses or
3 other suitable housing facilities or electronic monitoring devices for inmates authorized to
4 participate in a program under this subsection.

5 [(d)] (C) (1) An inmate who is employed under a work release program shall
6 surrender to the [Commissioner or Commissioner's] **MAYOR OF BALTIMORE CITY OR**
7 **THE MAYOR'S** designee the total earnings of the inmate under the program, less payroll
8 deductions required by law.

9 (2) From the net earnings of the inmate, the [Commissioner or
10 Commissioner's] **MAYOR OF BALTIMORE CITY OR THE MAYOR'S** designee shall deduct
11 in the following order of priority:

12 (i) an amount not to exceed one-third of the inmate's net earnings
13 for the cost [to the State] of providing food, lodging, electronic monitoring devices, and
14 clothing for the inmate;

15 (ii) the actual and necessary food, travel, and other expenses of the
16 inmate when released from actual custody under the program;

17 (iii) the amount, if any, that the inmate is legally obligated to pay for
18 the support of a dependent by court order directed to the [Commissioner] **MAYOR OF**
19 **BALTIMORE CITY OR THE MAYOR'S DESIGNEE**; and

20 (iv) the amount for court-ordered payments for restitution.

21 (3) The [Commissioner or Commissioner's] **MAYOR OF BALTIMORE CITY**
22 **OR THE MAYOR'S** designee shall pay any amount deducted as required by paragraph
23 (2)(iii) of this subsection as the court order directs.

24 (4) The [Commissioner or Commissioner's] **MAYOR OF BALTIMORE CITY**
25 **OR THE MAYOR'S** designee shall:

26 (i) credit to the inmate's account any remaining balance; and

27 (ii) pay the balance in the inmate's account to the inmate on release.

28 (5) If any part of the inmate's final earnings under a work release program
29 are required to satisfy the deductions specified in paragraph (2) of this subsection, the
30 balance of the final earnings shall be forwarded to the inmate within 15 days after the date
31 of release from the Baltimore City Detention Center.

1 [(e)] (D) (1) A court may require an individual who is convicted of a crime to
2 satisfy a fine or court costs by participating in a work program established under the
3 jurisdiction of the Division of Parole and Probation in Baltimore City.

4 (2) An individual who participates in the work program shall receive a
5 credit of at least the federal minimum wage per hour toward the fine or court costs.

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) The General Assembly finds:

8 (1) the Division of Pretrial Detention and Services was established within
9 the Department of Public Safety and Correctional Services in 1991 under Chapter 59 of the
10 Acts of the General Assembly of 1991;

11 (2) when the Division of Pretrial Detention and Services was formed, the
12 State assumed responsibility for the Baltimore City Jail and renamed it the Baltimore City
13 Detention Center;

14 (3) since 1991, the State has assumed the fiscal responsibility of funding
15 the operating and capital costs of the Baltimore City Detention Center; and

16 (4) except in Baltimore City, each local correctional facility is operated and
17 funded by the local jurisdiction.

18 (b) Consistent with the practices of other local jurisdictions in the State, it is the
19 intent of the General Assembly that the City of Baltimore resume operating the Baltimore
20 City Detention Center and related local correctional facilities.

21 SECTION 3. AND BE IT FURTHER ENACTED, That:

22 (a) Any person committed to the custody of the Baltimore City Detention Center
23 as of January 1, 2016, is, on that date, committed to the custody of the Mayor of Baltimore
24 City or the Mayor's designee.

25 (b) (1) On January 1, 2016, title to and possession of all records concerning
26 inmates housed as of that date at the Baltimore City Detention Center shall be transferred
27 to the Mayor of Baltimore City or the Mayor's designee.

28 (2) (i) Except as provided in paragraph (1) of this subsection, all
29 administrative, financial, operational, inmate, and other records concerning the Baltimore
30 City Detention Center shall be preserved by the State for a period of 5 years or for any other
31 period of time that is agreed to between the State and the Mayor of Baltimore City.

32 (ii) On request, the State shall transfer possession of the records
33 under subparagraph (i) of this paragraph to the Mayor of Baltimore City or the Mayor's
34 designee.

1 (iii) Personnel records shall be made available, on request, to any
2 employee, including a correctional officer, who requires the records in connection with the
3 performance of the employee's official duties.

4 SECTION 4. AND BE IT FURTHER ENACTED, That:

5 (a) In this section, "employee" includes a correctional officer.

6 (b) On December 31, 2015, every employee of the Baltimore City Detention
7 Center shall be terminated from State employment.

8 (c) (1) Any sick leave or other benefit that has been earned or accrued by an
9 employee of the Baltimore City Detention Center as of December 31, 2015, shall be the sole
10 financial responsibility of the State.

11 (2) In accordance with paragraph (1) of this subsection, the State shall pay
12 whatever money is due to an employee of the Baltimore City Detention Center on
13 termination of State employment.

14 (d) Notwithstanding any other provision of local law, on January 1, 2016, the
15 Mayor of Baltimore City may employ, as the Mayor deems necessary, any employee of the
16 Baltimore City Detention Center at the same salary received on December 31, 2015, or the
17 salary received at the time of employment, whichever is greater, without further
18 examination or qualification.

19 (e) (1) The City of Baltimore and the State of Maryland shall establish a
20 process to:

21 (i) inform and advise employees of the Baltimore City Detention
22 Center of their employment status and the terms and conditions of employment, if any,
23 with Baltimore City; and

24 (ii) offer counseling as to the range of options available.

25 (2) Employees of the Baltimore City Detention Center who will not be
26 employed on January 1, 2016, by Baltimore City shall be given 2 weeks' advance notice by
27 the Mayor of Baltimore City or the Mayor's designee that they will not be employed on
28 January 1, 2016, by Baltimore City.

29 (3) This section may not be construed to create any right of employment
30 with the City of Baltimore.

31 (f) (1) All employees of the Baltimore City Detention Center may present
32 grievances as permitted under the State Personnel and Pensions Article of the Annotated
33 Code of Maryland.

1 (2) An employee may be represented by an attorney or other designated
2 representative.

3 (g) (1) Except as provided in subsection (h) of this section, each former
4 Baltimore City Detention Center employee shall remain a member of the Maryland State
5 Retirement and Pension System.

6 (2) (i) The City of Baltimore shall contribute the annual cost of the
7 pension coverage to the Maryland State Retirement and Pension System.

8 (ii) The cost of the pension coverage under subparagraph (i) of this
9 paragraph shall be based on the contribution rate applicable to all other members, as
10 determined by the Board of Trustees for the State Retirement and Pension System.

11 (h) (1) On retirement, each employee shall receive the same health insurance
12 benefits as other members of the Maryland State Retirement and Pension System.

13 (2) An employee who elects to remain a member of the Maryland State
14 Retirement and Pension System shall not be entitled to receive retiree health insurance
15 benefits from the City of Baltimore.

16 (i) (1) Notwithstanding any other provision of State or local law, a former
17 Baltimore City Detention Center employee may elect to enroll in and become a new member
18 of the Employees' Retirement System of the City of Baltimore on July 1, 2019.

19 (2) A former Baltimore City Detention Center employee shall be entitled to
20 a vested allowance, as provided for in the Maryland State Retirement and Pension System,
21 to be paid by the State for service credited to the System.

22 (3) On retirement, each employee may elect to participate in either:

23 (i) the State employee health insurance program for retirees, under
24 the same terms and conditions as other State employees as set forth in the State Personnel
25 and Pensions Article; or

26 (ii) the Baltimore City health insurance program for retirees, under
27 the same terms and conditions as other members of the Employees' Retirement System of
28 the City of Baltimore.

29 (4) If a Baltimore City Detention Center employee who has elected to enroll
30 in the Employees' Retirement System of the City of Baltimore is not eligible to receive a
31 vested allowance in accordance with paragraph (2) of this subsection, the employee shall
32 receive a cash payment from the State equivalent to the value of the employee accrued
33 benefit in the Maryland State Retirement and Pension System, as determined by the
34 State's actuary.

35 SECTION 5. AND BE IT FURTHER ENACTED, That:

1 (a) (1) The Mayor of Baltimore City may assume in writing such liabilities and
2 obligations of the State as the Mayor considers necessary and useful.

3 (2) No liability, contract, or obligation of the State is a liability, a contract,
4 or an obligation of the City of Baltimore unless such liability, contract, or obligation is
5 expressly assumed by the Mayor of Baltimore City in writing.

6 (b) (1) The State shall indemnify and hold harmless the City of Baltimore for
7 any judgments, damages, liens, settlements, consent decrees, and other costs arising from
8 the operations of the Baltimore City Detention Center or the acts or omissions of detention
9 center employees, officers, or agents that occurred on or before December 31, 2015.

10 (2) On or after January 1, 2016, an employee of the Baltimore City
11 Detention Center, including a correctional officer, shall be covered by the Maryland Tort
12 Claims Act for any act or omission that occurred in connection with the performance of the
13 employee's duties on or before December 31, 2015.

14 (c) (1) For purposes of this subsection, "procurement contract" has the
15 meaning stated in § 11-101 of the State Finance and Procurement Article.

16 (2) Before January 1, 2016, the Mayor of Baltimore City may, in the
17 Mayor's discretion, assume by written agreement as assignee, any procurement contract
18 entered into by or on behalf of the detention center before January 1, 2016.

19 (d) This section does not alter or terminate the State's obligation to Baltimore
20 City, nor Baltimore City's obligation to the State, with respect to any contract for a capital
21 project awarded before January 1, 2016, including any encumbered balances due.

22 SECTION 6. AND BE IT FURTHER ENACTED, That:

23 (a) The Secretary of Public Safety and Correctional Services and the City of
24 Baltimore shall enter into an agreement effective January 1, 2016, for the purpose of
25 transferring all the rights, title, and interests of the property, assets, licenses, and credits
26 of the Baltimore City Detention Center and any property or other assets used or acquired
27 for the detention center to the City of Baltimore, to be used by the detention center, or as
28 otherwise directed or authorized by the Mayor of Baltimore City.

29 (b) The assets and property under subsection (a) of this section shall include:

30 (1) the Baltimore Central Booking and Intake Center;

31 (2) the Men's Detention Center;

32 (3) the Women's Detention Center;

33 (4) the Wyatt Building;

1 (5) the Annex Building;

2 (6) the Jail Industries Building;

3 (7) the Administration Building;

4 (8) the New Youth Detention Center; and

5 (9) the power plant, repair shops, education building, and other related
6 facilities.

7 (c) Subject to subsection (d) of this section, on execution of the agreement under
8 subsection (a) of this section, the State and the City of Baltimore shall make, and the Mayor
9 of Baltimore City shall accept, a conveyance of the real property, other property, assets,
10 licenses, credits, and rights that are the subject of the agreement.

11 (d) The agreement executed by the parties under subsection (a) of this section
12 may not go into effect until it is approved by the Board of Public Works.

13 SECTION 7. AND BE IT FURTHER ENACTED, That:

14 (a) (1) The State shall pay the operating and capital costs of the Baltimore
15 City Detention Center for fiscal years 2016 through 2018.

16 (2) For fiscal year 2019, Baltimore City shall pay one-half of the operating
17 and capital costs of the Baltimore City Detention Center.

18 (3) Beginning in fiscal year 2020, Baltimore City shall pay all of the
19 operating and capital costs of the Baltimore City Detention Center.

20 (b) (1) On or before January 1, 2016, the Mayor of Baltimore City and the
21 Secretary of Budget and Management shall enter into a memorandum of understanding
22 governing the provisions of subsection (a) of this section.

23 (2) The memorandum of understanding under paragraph (1) of this section
24 shall:

25 (i) include the process for submitting and approving the annual
26 budget of the Baltimore City Detention Center;

27 (ii) specify the manner and frequency in which the funding provided
28 by the State to Baltimore City for the operation of the Baltimore City Detention Center
29 shall be audited; and

30 (iii) address any other matter deemed relevant by the parties.

1 (3) The memorandum of understanding executed by the parties under this
2 subsection may not go into effect until it is approved by the Board of Public Works.

3 SECTION 8. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
4 effect January 1, 2016.

5 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in Section
6 8 of this Act, this Act shall take effect July 1, 2015.