



## House Bill 359

*Criminal Procedure – Charges Against Correctional Officer –  
Review by State’s Attorney*

MACo Position: **SUPPORT**

Date: February 23, 2016

To: Judiciary Committee

From: Natasha Mehu

The Maryland Association of Counties (MACo) **SUPPORTS** HB 359. This bill would protect correctional officers from harassment by frivolous criminal charges.

Under HB 359, charges against a correctional officer for offenses alleged to have been committed during the course of duty must first be reviewed and determined reasonable and appropriate by a state’s attorney before they can be filed against the officer. This protection is currently afforded to law enforcement officers, emergency services personnel, and educators. The bill adds correctional officers to the protected class whose duties make them targets for harassment and frivolous lawsuits.

Correctional officers are charged with the care, custody, control, and supervision of inmates, as well as individuals on parole and probation. The nature of their work often puts them at odds with the individuals under their guard. The correctional officers become targets for lawsuits arising from their daily duties.

The bill would protect correctional officers from charges brought in retaliation or made in an attempt to harass an officer. It ensures that charges are only pursued in cases where the alleged offense are well-founded. This protects correctional officers from the time and expense of frivolous litigation, while safeguarding accountability when charges are truly warranted.

HB 359 would bring protections for correctional officers in line with those provided to teachers, EMTs, firefighters and law enforcement officers. For these reasons, MACo urges a **FAVORABLE** report on HB 359.