

CHAPTER 588

(House Bill 970)

AN ACT to repeal and re-enact, with amendments, Sections 204F(e)(1), 204F(f) (1), and 204F(l)(1) of Article 41 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Governor - Executive and Administrative Departments," subtitle "7. The Department of Public Safety and Correctional Services," to provide that an order of dismissal of a complaint or grievance shall be forwarded to the complainant within a certain time limit; and to make mandatory the recording of testimony at hearings of the Commission (1), and to amend the appellate procedure (1).

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Sections 204F(e), 204F(f), and 204F(l) of Article 41 of the Annotated Code of Maryland (1971 Replacement Volume and 1972 Supplement), title "Governor - Executive and Administrative Departments," subtitle "7. The Department of Public Safety and Correctional Services," are hereby repealed and re-enacted, with amendments, and all to read as follows:

204F.

(e) When a grievance or complaint is submitted to the Inmate Grievance Commission, the Commission, or any member thereof or the executive director, if so provided by the Commission's regulations, shall preliminary review the grievance or complaint. If upon such preliminary review the grievance or complaint is determined to be on its face wholly lacking in merit, it may be dismissed, by the reviewing commissioners or commissioner or executive director as the case may be, without a hearing or without specific findings of fact. Such order of dismissal shall promptly be forwarded to the complainant **WITHIN 60 DAYS AFTER SUBMISSION OF THE GRIEVANCE OR COMPLAINT** and shall constitute the final decision of the Secretary of Public Safety and Correctional Services for purposes of any judicial review.

(f) Whenever, after the preliminary review provided for in subsection (e), a grievance or complaint is not found to be on its face wholly lacking in merit, the Commission shall as promptly as practicable hold a hearing on the grievance or complaint. At least three members of the Commission shall sit at any hearing, and decisions shall be by a majority of those sitting. A record of the testimony presented at the hearing may SHALL be kept according to the rules and regulations promulgated by the Commission. The Commission's decision shall be issued **PROMPTLY AFTER THE HEARING** in the form of an order which shall include a statement of the findings of fact, the Commission's conclusions and its disposition of the complaint. The types of disposition shall be as follows:

(1) If after the hearing, the Commission finds in its order that the complaint is wholly lacking in merit and should be dismissed, such an order of dismissal shall be promptly forwarded to the complainant and shall constitute the final decision of the Secretary of Public Safety and Correctional Services for purposes of any judicial review.

(2) However, if after the hearing, the Commission in its order finds that the inmate's complaint was in whole or in part meritorious, such order shall be promptly forwarded to the Secretary of Public Safety and Correctional Services. Within fifteen days of the receipt of such an order, the Secretary by order shall affirm the order of the Commission, or shall reverse or modify the order where he disagrees with the findings and conclusions of the Commission. The Secretary shall order that the appropriate official of the institution in question accept in whole or in part the recommendation of the Commission or the Secretary may take