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**By: Chairman, Judiciary Committee (Departmental - Public Safety and Correctional Services)**

Introduced and read first time: January 17, 1996

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Inmate Grievance Office - Appeals**

3 FOR the purpose of permitting appeals from inmate grievance decisions to be considered  
4 by the circuit court without a hearing; providing an exception for certain cases; and  
5 generally relating to appeals from inmate grievance decisions.

6 BY repealing and reenacting, with amendments,  
7 Article 41 - Governor - Executive and Administrative Departments  
8 Section 4-102.1(k)  
9 Annotated Code of Maryland  
10 (1993 Replacement Volume and 1995 Supplement)

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

13 **Article 41 - Governor - Executive and Administrative Departments**

14 4-102.1.

15 (k) No court shall entertain an inmate's grievance or complaint within the  
16 jurisdiction of the Inmate Grievance Office or the Office of Administrative Hearings  
17 unless and until the complainant has exhausted the remedies as provided in this section.  
18 Upon the final decision of the Secretary of Public Safety and Correctional Services, the  
19 complainant shall be entitled to judicial review thereof. Proceedings for review shall be  
20 instituted in the circuit court of the county in which is located the institution where the  
21 complainant is confined. Review by the court shall be limited to a review of the record of  
22 the proceedings before the Inmate Grievance Office and the Office of Administrative  
23 Hearings and the Secretary's order, if any, pursuant to such proceedings. The court's  
24 review shall be limited to a determination of whether there was a violation of any right of  
25 the inmate protected by federal or State laws or constitutional requirements.  
26 DISPOSITION BY THE CIRCUIT COURT SHALL BE MADE WITHOUT A HEARING  
27 EXCEPT IN A CASE WHERE THE RELIEF SOUGHT IS IMMEDIATE RELEASE FROM  
28 INCARCERATION AND THE COURT DETERMINES THAT A HEARING IS REQUIRED IN  
29 THE INTEREST OF JUSTICE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 1996.

