

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL NO. 355

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Correctional” and substitute “State and Local Detention”; and in the same line, strike “Authorization of” and substitute “Authorizing”.

AMENDMENT NO. 2

On page 1, strike beginning with the first “certain” in line 3 down through “facilities” in line 10 and substitute “the warden or administrator of a State or local detention facility, and a designee of a warden or administrator, to authorize medical treatment of a juvenile inmate; authorizing medical treatment of a juvenile inmate when in the warden's or administrator's judgment such treatment is required and a parent, guardian, or person in loco parentis of the juvenile is not available to give authorization; establishing that no liability shall attach to the warden or administrator for authorizing medical treatment in good faith; defining certain terms; and generally relating to medical treatment of juvenile inmates”.

AMENDMENT NO. 3

On page 1, strike in their entirety lines 11 through 24, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article 27 - Crimes and Punishments

Section 700H

Annotated Code of Maryland

(1996 Replacement Volume)”.

On page 2, strike in its entirety line 1.

AMENDMENT NO. 4

On page 2, strike in their entirety lines 5 through 36, inclusive, and substitute:

(Over)

“700H.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “LOCAL DETENTION FACILITY” MEANS A JAIL, DETENTION CENTER, OR OTHER FACILITY THAT IS PRIMARILY OPERATED BY A MUNICIPALITY OR COUNTY FOR DETENTION OR INCARCERATION OF PRISONERS.

(3) (I) “STATE DETENTION FACILITY” MEANS A CORRECTIONAL INSTITUTION, PLACE OF CORRECTIONAL CONFINEMENT, OR OTHER FACILITY THAT IS LOCATED WITHIN THE STATE AND IS PRIMARILY OPERATED BY THE STATE FOR DETENTION OR INCARCERATION OF PRISONERS.

(II) “STATE DETENTION FACILITY” INCLUDES THE PATUXENT INSTITUTION.

(4) (I) “WARDEN OR ADMINISTRATOR” MEANS THE WARDEN, ADMINISTRATOR, SUPERINTENDENT, SHERIFF, OR OTHER OFFICIAL RESPONSIBLE FOR THE MANAGEMENT OF A STATE OR LOCAL DETENTION FACILITY.

(II) “WARDEN OR ADMINISTRATOR” INCLUDES A DESIGNEE OF A WARDEN OR ADMINISTRATOR.

(B) The warden OR ADMINISTRATOR of [the Baltimore City Detention Center and his designees] A STATE DETENTION FACILITY OR LOCAL DETENTION FACILITY may authorize medical treatment of a juvenile inmate of the [jail] FACILITY when in [their ] THE WARDEN'S OR ADMINISTRATOR'S judgment such treatment is required and a parent, guardian, or person in loco parentis of the juvenile is not on a timely basis available to give the authorization. No liability of any kind shall attach to the warden or [his designees] ADMINISTRATOR for authorizing such medical treatment in good faith.”.