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**By: Delegates Dembrow and Minnick**

Introduced and read first time: January 23, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Facilities - Authorization for Medical Treatment of Juvenile Inmates**

3 FOR the purpose of authorizing certain officers of certain correctional facilities to  
4 authorize medical treatment of a juvenile inmate of a correctional facility under  
5 certain circumstances; specifying that liability may not attach to certain officers of  
6 certain correctional facilities for authorizing medical treatment of a juvenile inmate  
7 under certain circumstances; defining certain terms; and generally relating to the  
8 authorization for medical treatment of juvenile inmates in correctional facilities.

9 BY adding to

10 Article 27 - Crimes and Punishments  
11 Section 700J  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume)

14 BY repealing and reenacting, without amendments,

15 Article 31B - Patuxent Institution  
16 Section 1(a), (e), and (h)  
17 Annotated Code of Maryland  
18 (1993 Replacement Volume and 1996 Supplement)

19 BY adding to

20 Article 31B - Patuxent Institution  
21 Section 9A  
22 Annotated Code of Maryland  
23 (1993 Replacement Volume and 1996 Supplement)

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

26 **Article 27 - Crimes and Punishments**

27 700J.

28 (A) IN THIS SECTION, "CHIEF OFFICER OF A CORRECTIONAL FACILITY"

29 MEANS:

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1 (1) THE ADMINISTRATOR OR ADMINISTRATOR'S DESIGNEE OF A LOCAL  
2 DETENTION CENTER; OR

3 (2) THE WARDEN OR WARDEN'S DESIGNEE OF AN INSTITUTION UNDER  
4 THE JURISDICTION OF THE COMMISSIONER OF CORRECTION.

5 (B) (1) THE CHIEF OFFICER OF A CORRECTIONAL FACILITY MAY  
6 AUTHORIZE MEDICAL TREATMENT OF A JUVENILE INMATE WHEN IN THE  
7 JUDGMENT OF THE CHIEF OFFICER THE TREATMENT IS REQUIRED AND A PARENT,  
8 GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE JUVENILE IS NOT AVAILABLE ON  
9 A TIMELY BASIS TO GIVE THE AUTHORIZATION.

10 (2) LIABILITY OF ANY KIND MAY NOT ATTACH TO THE CHIEF OFFICER  
11 OF A CORRECTIONAL FACILITY FOR AUTHORIZING IN GOOD FAITH THE MEDICAL  
12 TREATMENT.

13 **Article 31B - Patuxent Institution**

14 1.

15 (a) In this article, the following words have the meanings indicated unless the  
16 context clearly requires otherwise.

17 (e) "Director" means the director of Patuxent Institution.

18 (h) "Institution" means the Patuxent Institution.

19 9A.

20 (A) THE DIRECTOR OF THE INSTITUTION OR THE DESIGNEE OF THE  
21 DIRECTOR MAY AUTHORIZE MEDICAL TREATMENT OF A JUVENILE INMATE WHEN  
22 IN THE JUDGMENT OF THE DIRECTOR OR THE DESIGNEE THE TREATMENT IS  
23 REQUIRED AND A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE  
24 JUVENILE IS NOT AVAILABLE ON A TIMELY BASIS TO GIVE THE AUTHORIZATION.

25 (B) LIABILITY OF ANY KIND MAY NOT ATTACH TO THE DIRECTOR OR THE  
26 DESIGNEE OF THE DIRECTOR FOR AUTHORIZING IN GOOD FAITH THE MEDICAL  
27 TREATMENT.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1997.