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**By: Senator McCabe**

Requested: October 21, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **State and Local Detention Facilities - Authorizing Medical Treatment of Juvenile**  
3 **Inmates**

4 FOR the purpose of authorizing the warden or administrator of a State or local detention  
5 facility, and a designee of a warden or administrator, to authorize medical treatment  
6 of a juvenile inmate; authorizing medical treatment of a juvenile inmate when in the  
7 warden's or administrator's judgment such treatment is required and a parent,  
8 guardian, or person in loco parentis of the juvenile is not available to give  
9 authorization; establishing that no liability shall attach to the warden or  
10 administrator for authorizing medical treatment in good faith; defining certain  
11 terms; and generally relating to medical treatment of juvenile inmates.

12 BY repealing and reenacting, with amendments,  
13 Article 27 - Crimes and Punishments  
14 Section 700H  
15 Annotated Code of Maryland  
16 (1996 Replacement Volume)

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

19 **Article 27 - Crimes and Punishments**

20 700H.

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

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

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

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1 (II) "STATE DETENTION FACILITY" INCLUDES THE PATUXENT  
2 INSTITUTION.

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

6 (II) "WARDEN OR ADMINISTRATOR" INCLUDES A DESIGNEE OF A  
7 WARDEN OR ADMINISTRATOR.

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

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