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1997 Regular Session

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(PRE-FILED)

By: ~~Senator McCabe~~ Senators McCabe, Haines, Craig, Middlebrooks, Trotter, Roesser, Stone, Blount, Kelley, Boozer, Lawlah, and Collins

Requested: October 21, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 5, 1997

CHAPTER ____

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.

2

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

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

8 (II) "STATE DETENTION FACILITY" INCLUDES THE PATUXENT
9 INSTITUTION.

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

13 (II) "WARDEN OR ADMINISTRATOR" INCLUDES A DESIGNEE OF A
14 WARDEN OR ADMINISTRATOR.

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

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