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

Introduced and read first time: February 9, 2005

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Public Safety and Correctional Services - Adoption of Rules**
3 **and Other Statements**

4 FOR the purpose of excluding certain rules and statements adopted by the Division of
5 Correction, the Division of Pretrial Detention and Services, and the Patuxent
6 Institution concerning inmates or detainees from the requirements of the
7 Administrative Procedure Act; and generally relating to the adoption of certain
8 rules and statements by certain units within the Department of Public Safety
9 and Correctional Services.

10 BY repealing and reenacting, with amendments,

11 Article - Correctional Services

12 Section 2-109

13 Annotated Code of Maryland

14 (1999 Volume and 2004 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Correctional Services**

18 2-109.

19 (a) The Secretary shall adopt regulations for the office of the Secretary.

20 (b) (1) The Secretary shall review regulations proposed by a unit in the
21 Department.

22 (2) The Secretary may approve, disapprove, or revise regulations
23 proposed by a unit in the Department.

24 (c) (1) Except as provided in paragraph (2) of this subsection, the Secretary
25 shall adopt regulations to govern the policies and management of correctional
26 facilities in the Division of Correction in accordance with Title 10, Subtitle 1 of the
27 State Government Article.

1 (2) Paragraph (1) of this subsection does not apply to a guideline, RULE,
2 OR OTHER STATEMENT, pertaining to:

3 (I) the routine internal management of correctional facilities in the
4 Division of Correction; OR

5 (II) THE CLASSIFICATION, DISCIPLINE, OR CONDUCT OF INMATES
6 IN THE DIVISION OF CORRECTION, THE DIVISION OF PRETRIAL DETENTION AND
7 SERVICES, OR THE PATUXENT INSTITUTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect October 1, 2005.