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

Introduced and read first time: January 30, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services - Correctional Units - Mutual Aid Agreements**

3 FOR the purpose of authorizing mutual aid agreements for certain local and State
4 correctional units; establishing the rights, liabilities, and duties of the parties to
5 an agreement; establishing that a staff person who meets certain training
6 requirements may function at a certain location under certain circumstances;
7 providing that certain services are considered to be performed in the course of
8 employment or in the line of duty for certain purposes; providing for certain
9 expenditures; defining certain terms; and generally relating to mutual aid
10 agreements for correctional units.

11 BY adding to

12 Article - Correctional Services

13 Section 2-401 through 2-406, inclusive, to be under the new subtitle "Subtitle

14 4. Correctional Mutual Aid Agreements"

15 Annotated Code of Maryland

16 (1999 Volume and 2005 Supplement)

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

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

19 **Article - Correctional Services**

20 **SUBTITLE 4. CORRECTIONAL MUTUAL AID AGREEMENTS.**

21 2-401.

22 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (B) (1) "CORRECTIONAL UNIT" MEANS A UNIT OF STATE OR LOCAL
25 GOVERNMENT THAT IS DIRECTLY RESPONSIBLE FOR THE CARE, CUSTODY, AND
26 CONTROL OF INDIVIDUALS COMMITTED TO THE CUSTODY OF THE UNIT FOR THE

1 COMMISSION OR ALLEGED COMMISSION OF A CRIME OR AN ACT THAT WOULD BE A
2 CRIME IF COMMITTED BY AN ADULT.

3 (2) "CORRECTIONAL UNIT" INCLUDES:

4 (I) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
5 SERVICES;

6 (II) THE DEPARTMENT OF JUVENILE SERVICES; AND

7 (III) THE OFFICE OF THE SHERIFF OF A COUNTY OR OTHER UNIT OF
8 GOVERNMENT WITH RESPONSIBILITY FOR OPERATING A LOCAL CORRECTIONAL
9 FACILITY OR COUNTY DETENTION CENTER.

10 (C) "MUTUAL AID AGREEMENT" MEANS AN AGREEMENT TO ESTABLISH AND
11 CARRY OUT A PLAN TO ASSIST IN PROVIDING TEMPORARY SERVICES TO ALLEVIATE
12 AN EMERGENCY SITUATION AT A FACILITY OPERATED BY A CORRECTIONAL UNIT.

13 2-402.

14 THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED IN ORDER TO EFFECT ITS
15 PURPOSE TO PROVIDE MUTUAL AID TO A CORRECTIONAL UNIT DURING A TIME OF
16 NEED.

17 2-403.

18 (A) A CORRECTIONAL UNIT MAY ENTER INTO OR RENEW A MUTUAL AID
19 AGREEMENT WITH ANY OTHER CORRECTIONAL UNIT IN ACCORDANCE WITH THIS
20 SECTION.

21 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUTUAL AID
22 AGREEMENT MAY PROVIDE THAT A PARTY THAT REQUESTS ASSISTANCE UNDER THE
23 MUTUAL AID AGREEMENT INDEMNIFIES AND HOLDS HARMLESS A PARTY THAT
24 PROVIDES ASSISTANCE UNDER THE MUTUAL AID AGREEMENT FROM ANY CLAIM BY
25 A THIRD PARTY FOR PROPERTY DAMAGE, PERSONAL INJURY, OR WRONGFUL DEATH
26 THAT ARISES OUT OF THE MUTUAL AID ACTIVITIES, INCLUDING TRAVEL, OF THE
27 PARTY THAT PROVIDES ASSISTANCE OUTSIDE OF THE PARTY'S OWN JURISDICTION.

28 (2) THE PARTY THAT REQUESTS ASSISTANCE NEED NOT INDEMNIFY
29 THE PARTY THAT PROVIDES ASSISTANCE IF:

30 (I) THE PARTY THAT PROVIDES ASSISTANCE DOES NOT
31 COOPERATE IN DEFENDING AGAINST A CLAIM MADE BY A THIRD PARTY; OR

32 (II) THE CLAIM BY A THIRD PARTY ARISES OUT OF A MALICIOUS
33 ACT OF THE PARTY THAT PROVIDES ASSISTANCE.

34 (C) EACH MUTUAL AID AGREEMENT SHALL PROVIDE THAT EACH PARTY TO
35 THE MUTUAL AID AGREEMENT SHALL WAIVE ANY AND ALL CLAIMS AGAINST ALL
36 OTHER PARTIES TO THE MUTUAL AID AGREEMENT IF THE CLAIM ARISES OUT OF THE

1 ACTIVITIES OF A PARTY THAT OCCUR OUTSIDE ITS OWN JURISDICTION UNDER THE
2 MUTUAL AID AGREEMENT.

3 2-404.

4 AT THE REQUEST OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
5 SERVICES, THE SECRETARY OF JUVENILE SERVICES, OR THE HEAD OF ANY
6 CORRECTIONAL UNIT, A STAFF PERSON OF A CORRECTIONAL UNIT WHO HAS BEEN
7 TRAINED AND CERTIFIED BY THE CORRECTIONAL TRAINING COMMISSION IN THE
8 CARE, CUSTODY, AND CONTROL OF INDIVIDUALS MAY FUNCTION AT THE LOCATION
9 IN NEED UNDER A MUTUAL AID AGREEMENT.

10 2-405.

11 FOR THE PURPOSE OF A WORKERS' COMPENSATION LAW OR BENEFIT OR
12 OTHER LAW OR BENEFIT THAT WOULD APPLY OR ACCRUE TO AN INDIVIDUAL WHO IS
13 PERFORMING A SERVICE ANYWHERE FOR A CORRECTIONAL UNIT UNDER A MUTUAL
14 AID AGREEMENT, THE INDIVIDUAL IS CONSIDERED TO HAVE PERFORMED THAT
15 SERVICE IN THE COURSE OF EMPLOYMENT AND IN THE LINE OF DUTY.

16 2-406.

17 NECESSARY EXPENDITURES FOR THE PURPOSES OF THIS SUBTITLE SHALL BE
18 MADE OUT OF ANY STATE OR LOCAL APPROPRIATIONS USUALLY AVAILABLE TO A
19 CORRECTIONAL UNIT.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2006.