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

Introduced and read first time: January 30, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 28, 2006

CHAPTER _____

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:

1 **Article - Correctional Services**

2 SUBTITLE 4. CORRECTIONAL MUTUAL AID AGREEMENTS.

3 2-401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.6 (B) (1) "CORRECTIONAL UNIT" MEANS A UNIT OF MARYLAND STATE OR
7 LOCAL GOVERNMENT THAT IS DIRECTLY RESPONSIBLE FOR THE CARE, CUSTODY,
8 AND CONTROL OF INDIVIDUALS COMMITTED TO THE CUSTODY OF THE UNIT FOR
9 THE COMMISSION OR ALLEGED COMMISSION OF A CRIME OR AN ACT THAT WOULD
10 BE A CRIME IF COMMITTED BY AN ADULT.

11 (2) "CORRECTIONAL UNIT" INCLUDES:

12 (I) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL
13 SERVICES;

14 (II) THE DEPARTMENT OF JUVENILE SERVICES; AND

15 (III) THE OFFICE OF THE SHERIFF OF A COUNTY OR OTHER UNIT OF
16 GOVERNMENT WITH RESPONSIBILITY FOR OPERATING A LOCAL CORRECTIONAL
17 FACILITY OR COUNTY DETENTION CENTER.18 (C) "MUTUAL AID AGREEMENT" MEANS ~~AN~~ A WRITTEN AGREEMENT TO
19 ESTABLISH AND CARRY OUT A PLAN TO ASSIST IN PROVIDING TEMPORARY SERVICES
20 TO ALLEVIATE AN EMERGENCY SITUATION AT A FACILITY OPERATED BY A
21 CORRECTIONAL UNIT.

22 2-402.

23 THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED IN ORDER TO EFFECT ITS
24 PURPOSE TO PROVIDE MUTUAL AID TO A CORRECTIONAL UNIT DURING A TIME OF
25 NEED.

26 2-403.

27 (A) A CORRECTIONAL UNIT MAY ENTER INTO OR RENEW A MUTUAL AID
28 AGREEMENT WITH ANY OTHER CORRECTIONAL UNIT IN ACCORDANCE WITH THIS
29 SECTION.30 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A MUTUAL AID
31 AGREEMENT MAY PROVIDE THAT A PARTY THAT REQUESTS ASSISTANCE UNDER THE
32 MUTUAL AID AGREEMENT INDEMNIFIES AND HOLDS HARMLESS A PARTY THAT
33 PROVIDES ASSISTANCE UNDER THE MUTUAL AID AGREEMENT FROM ANY CLAIM BY
34 A THIRD PARTY FOR PROPERTY DAMAGE, PERSONAL INJURY, OR WRONGFUL DEATH
35 THAT ARISES OUT OF THE MUTUAL AID ACTIVITIES, INCLUDING TRAVEL, OF THE
36 PARTY THAT PROVIDES ASSISTANCE OUTSIDE OF THE PARTY'S OWN JURISDICTION.

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

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

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

7 (C) EACH MUTUAL AID AGREEMENT SHALL PROVIDE THAT EACH PARTY TO
8 THE MUTUAL AID AGREEMENT SHALL WAIVE ANY AND ALL CLAIMS AGAINST ALL
9 OTHER PARTIES TO THE MUTUAL AID AGREEMENT IF THE CLAIM ARISES OUT OF THE
10 ACTIVITIES OF A PARTY THAT OCCUR OUTSIDE ITS OWN JURISDICTION UNDER THE
11 MUTUAL AID AGREEMENT.

12 2-404.

13 AT THE REQUEST OF THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL
14 SERVICES, THE SECRETARY OF JUVENILE SERVICES, OR THE HEAD OF ANY
15 CORRECTIONAL UNIT, A STAFF PERSON OF A CORRECTIONAL UNIT WHO HAS BEEN
16 TRAINED AND CERTIFIED BY THE CORRECTIONAL TRAINING COMMISSION IN THE
17 CARE, CUSTODY, AND CONTROL OF INDIVIDUALS MAY FUNCTION AT THE LOCATION
18 IN NEED UNDER A MUTUAL AID AGREEMENT.

19 2-405.

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

25 2-406.

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

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

