

HOUSE BILL 1109

E2, P3
HB 1250/08 – JUD

9lr2600

By: **Delegates McComas, Dwyer, Frank, Sossi, and Stocksdales**
Introduced and read first time: February 13, 2009
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act – Exemption – Death Penalty Protocols**

3 FOR the purpose of exempting from the requirements of the Administrative Procedure
4 Act the protocols of the Department of Public Safety and Correctional Services
5 governing the administration of the death penalty, including any execution
6 operations manual; and generally relating to death penalty protocols and the
7 Administrative Procedure Act.

8 BY repealing and reenacting, with amendments,
9 Article – State Government
10 Section 10–102
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2008 Supplement)

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

15 **Article – State Government**

16 10–102.

17 (a) Except as otherwise expressly provided by law, this subtitle applies to:

18 (1) each unit in the Executive Branch of the State government; and

19 (2) each unit that:

20 (i) is created by public general law; and

21 (ii) operates in at least 2 counties.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (b) This subtitle does not apply to:

2 (1) a unit in the Legislative Branch of the State government;

3 (2) a unit in the Judicial Branch of the State government;

4 (3) the Injured Workers' Insurance Fund;

5 (4) a board of license commissioners; [or]

6 (5) the Rural Maryland Council; **OR**

7 **(6) THE PROTOCOLS OF THE DEPARTMENT OF PUBLIC SAFETY**
8 **AND CORRECTIONAL SERVICES GOVERNING THE ADMINISTRATION OF THE**
9 **DEATH PENALTY, INCLUDING ANY EXECUTION OPERATIONS MANUAL.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 June 1, 2009.