

CHAPTER 218

(House Bill 268)

AN ACT to repeal and re-enact, with amendments, Section 699 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume and 1967 Supplement), title "Crimes and Punishments", subtitle "Prisoners" to correct an error of wording in the section involving the disposition of the child of a pregnant female prisoner.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 699 of Article 27 of the Annotated Code of Maryland (1967 Replacement Volume and 1967 Supplement), title "Crimes and Punishments", subtitle "Prisoners", be and it is hereby repealed and re-enacted with amendments, to read as follows:

699.

If a representation is made to the officer in charge of any penal institution that a woman confined in such penal institution is pregnant and about to give birth to a child, a reasonable time before the anticipated birth of such child, the officer shall make careful inquiry and, if the facts so require, recommend to the Governor through the Department of Correction the exercise of executive clemency. The Governor, without notice, may parole the convict, commute the sentence, or suspend its execution for a definite period or from time to time as he deems proper.

If the sentence is suspended, the officer in charge of such institution, a reasonable time before the anticipated birth of such child, shall cause such woman to be removed from such institution and provided with comfortable accommodations, maintenance, and medical care elsewhere under such supervision and safeguard to prevent her escape from custody, as he may determine, and subject to her return to such institution as soon after the birth of such child as the state of her health will permit. The expenses of such accommodation, maintenance, and medical care shall be paid by said woman or her relatives or friends, or from any fund that is available for the hospital expenses of such inmate within the institution, or, if not otherwise available, shall be a charge upon the county, city, or town from which such inmate was committed, and collectible by such officer in charge of such institution. Upon proof being furnished by the father or other relatives of their ability properly to care for and maintain such child, the Department may order that the child be given into the care and custody of the father or other relative, who shall thereafter care for and maintain the same [as] at his or her own expense until the release of the mother of such child or until such child shall have been duly adopted as provided by law. If it shall appear that the father or other relative is unable properly to care for and maintain such child, the Department of Correction shall place the child in the care of the department of public welfare of the county or Baltimore City from which said inmate was committed as a proper charge upon such county or Baltimore City.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1968.

Approved April 10, 1968.