

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 27, §§ 122A(a)(5), 700-I(a)(2), and, as it defined "sheriff", 645R and former Art. 87, § 46(a).

Although these former provisions applied only to particular subheadings and sections, they are revised to apply throughout this article.

The former reference to a "jailer" is deleted as obsolete.

The comprehensive phrase "responsible for the management" of a correctional facility is added to state expressly that which was formerly only implied in the references to having "the authority to establish policy and procedure" and being "in charge of" a correctional facility.

Defined term: "Correctional facility" § 1-101

(L) PERSON.

"PERSON" MEANS AN INDIVIDUAL, RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

REVISOR'S NOTE: This subsection is new language added to provide an express definition of the term "person".

The definition of "person" in this subsection does not include a governmental entity or unit. The Court of Appeals of Maryland has held consistently that the word "person" in a statute does not include the State, its agencies, or subdivisions unless an intention to include these entities is made manifest by the legislature. See, e.g., Unnamed Physician v. Commission on Medical Discipline, 285 Md. 1, 12-14 (1979).

As to the term "personal representative", see Art. 1, § 5 of the Code.

(M) SECRETARY.

"SECRETARY" MEANS THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 689A(a)(5), 705(a)(2), and 707(e), former Art. 31B, § 1(j), and former Art. 41, §§ 4-501(11), 4-602A(a)(7), and 4-1402(e).

Although these former provisions applied only to particular subtitles and sections, they are revised to apply throughout this article.

(N) STATE.

"STATE" MEANS:

(1) A STATE, POSSESSION, TERRITORY, OR COMMONWEALTH OF THE UNITED STATES; OR