

(D) DUTIES.

AN ASSISTANT WARDEN SHALL PERFORM THE DUTIES OF THE WARDEN IN THE ABSENCE OF THE WARDEN.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 682(c).

In subsections (a), (b), and (c) of this section, the former references to "assistant superintendents" are deleted as obsolete. Correspondingly, in subsections (b) and (d) of this section, the former references to a "superintendent" are deleted. Currently, there are no superintendent or assistant superintendent positions in the Division of Correction.

In subsection (a) of this section, the former reference to an appointment being "deemed necessary" is deleted as implicit in the discretionary authority that the Commissioner has to appoint assistant wardens.

Also in subsection (a) of this section, the reference to "one or more" assistant wardens is added to state expressly that which was only implied in the former law, *i.e.*, the Commissioner may appoint more than one assistant warden in a correctional facility.

In subsection (c) of this section, the former reference to "indefinite terms" is deleted as surplusage. A term that is not fixed is necessarily indefinite. Furthermore, appointment for "indefinite terms" is implicit in the reference to serving "at the pleasure of the Commissioner".

Defined terms: "Commissioner" § 3-101
"Correctional facility" § 1-101

3-214. ESCAPEES.

(A) WARRANTS.

(1) THE WARDEN OF A CORRECTIONAL FACILITY OR DESIGNEE OF THE WARDEN MAY ISSUE A RETAKE WARRANT FOR THE APPREHENSION AND RETURN OF AN ESCAPEE.

(2) THE WARDEN SHALL SUBMIT A COPY OF EACH RETAKE WARRANT TO THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE CORRECTIONAL FACILITY FROM WHICH THE ESCAPE WAS MADE IS LOCATED.

(B) DUTIES OF LAW ENFORCEMENT OFFICERS.

(1) A SHERIFF OR A POLICE OFFICER WHO IS AUTHORIZED TO SERVE CRIMINAL PROCESS AND WHO RECEIVES A RETAKE WARRANT ISSUED UNDER SUBSECTION (A) OF THIS SECTION SHALL EXECUTE THE WARRANT IN ACCORDANCE WITH THE DIRECTIONS IN THE WARRANT.

(2) A SHERIFF OR POLICE OFFICER WHO MAKES AN ARREST UNDER THIS SUBSECTION SHALL PROMPTLY NOTIFY THE DIVISION OF THE ARREST.