

Former Art. 27, § 671, which authorized the Division to require the execution of a performance bond or rescind a contract under certain circumstances, is deleted as obsolete in light of the specific requirements relating to bonds and default remedies set forth in Division II of the State Finance and Procurement Article. See SF §§ 13-216 and 17-103 and 83 Op. Att'y Gen. _____ (1998) [Opinion No. 98-008 (April 10, 1998)].

Former Art. 27, § 667, which specified that the Division has the "powers, duties, responsibilities, and functions provided in this subtitle and elsewhere ... for the [former] Department of Correctional Services", is deleted as obsolete. The Department of Correctional Services was reorganized as the Division of Correction in 1970. See Ch. 401, Acts of 1970.

The third through fifth sentences of former Art. 41, § 4-105(a), which provided that the Division of Correction shall have the powers, duties, responsibilities, obligations, and functions of the Department of Correctional Services, are transferred to the Session Laws. See § _____ of Ch. _____, Acts of 1999. Although the transfers contemplated by the reorganization of the former Department of Correctional Services have taken place, see Ch. 401, Acts of 1970, the provision is retained in the Session Laws to avoid any inadvertent substantive effect that its repeal might have.

SUBTITLE 3. PRERELEASE UNIT FOR WOMEN.

3-301. AUTHORITY TO OPERATE.

THE COMMISSIONER MAY OPERATE A PRERELEASE UNIT FOR WOMEN.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 27, § 678C(a).

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that this section has not been revised using standard language. Typically, statutory language that creates a governmental unit simply states that there is such a unit. This section retains language from former Art. 27, § 678C(a) that made it discretionary for the Commissioner to operate a prerelease unit for women. This discretionary language conflicts with language that is used elsewhere in this subtitle that assumes that such a unit will, in fact, exist. For example, former Art. 27, § 678C(c)(2), which is revised in § 3-303 of this subtitle, requires the Commissioner to develop comprehensive rehabilitative prerelease services and to make these services available to inmates in a prerelease unit for women. The General Assembly may wish to clarify whether it is mandatory or discretionary for the Commissioner to operate a prerelease unit for women.

The second sentence of former Art. 27, § 678C(a) is deleted as obsolete.

Defined term: "Commissioner" § 3-101

3-302. POWERS AND DUTIES OF COMMISSIONER; GENERALLY.

THE COMMISSIONER HAS THE SAME POWERS AND DUTIES RELATING TO A