

The Commissioner approves, disapproves, or defers action on an inmate's application to participate in the work-release program, not on the managing official's recommendation to approve the inmate's application.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (d)(3)(i) of this section does not specify who makes the determination as to what is "necessary and proper". The Committee further notes that the terms "necessary" and "proper" may be redundant. The General Assembly may wish to amend subsection (d)(3)(i) of this section to clarify who makes the determination as to what is necessary and proper and to repeal the reference to either "necessary" or "proper".

Subsection (d)(3)(ii) of this section is new language added for consistency with §§ 3-802(b)(2), 3-807(d)(2)(iii), 3-808(b)(1)(i)2, 3-809(c)(1)(ii), and 3-810(c)(3) of this subtitle.

In subsection (d)(4) of this section, the reference to approval "for an inmate to participate in the work-release program" is added to state expressly that which was formerly only implied in the reference to "approval".

Defined terms: "Commissioner" § 3-101

"Correctional facility" § 1-101

"Division" § 3-101

"Inmate" § 1-101

3-802. SAME — WEEKEND LEAVE.

(A) ELIGIBILITY FOR LEAVE.

THE COMMISSIONER MAY GRANT WEEKEND LEAVE TO AN INMATE IF:

(1) THE INMATE HAS PARTICIPATED FOR AT LEAST 2 MONTHS IN THE WORK-RELEASE PROGRAM ESTABLISHED UNDER § 3-801 OF THIS SUBTITLE; AND

(2) THE INMATE'S DIRECT DIVISION SUPERVISOR IN THE WORK-RELEASE PROGRAM RECOMMENDS THE INMATE FOR WEEKEND LEAVE.

(B) AUTHORIZATION FOR LEAVE.

THE COMMISSIONER SHALL:

(1) DETERMINE WHETHER TO GRANT AUTHORIZATION FOR WEEKEND LEAVE; AND

(2) ESTABLISH TERMS AND CONDITIONS FOR WEEKEND LEAVE, WHICH MAY INCLUDE THE INMATE'S WAIVER OF THE RIGHT TO CONTEST EXTRADITION PROCEEDINGS.

(C) LENGTH OF LEAVE.

WEEKEND LEAVE MAY NOT BEGIN BEFORE 6 P.M. FRIDAY OR END AFTER 6 P.M. ON THE SUNDAY THAT IMMEDIATELY FOLLOWS.