

Correctional Services. The Department of Correctional Services was reorganized as the Division of Correction in 1970. See Ch. 401, Acts of 1970.

SUBTITLE 9. DEATH PENALTY PROCEDURES.

3-901. CUSTODY.

(A) DUTIES OF JUDGE.

WHENEVER AN INDIVIDUAL IS SENTENCED TO DEATH, THE JUDGE OF THE COURT WHERE THE CONVICTION TAKES PLACE SHALL CAUSE THE INDIVIDUAL TO BE TAKEN INTO CUSTODY BY THE SHERIFF OF THE COUNTY IN WHICH THE INDIVIDUAL WAS INDICTED.

(B) DUTIES OF SHERIFF.

(1) WHILE THE INMATE IS IN THE CUSTODY OF THE SHERIFF, THE SHERIFF SHALL:

(I) HOLD THE INMATE UNDER GUARD AS THE SHERIFF DETERMINES TO BE NECESSARY; AND

(II) KEEP THE INMATE IN SOLITARY CONFINEMENT IN THE SAME MANNER AS IS REQUIRED WHEN THE INMATE IS IN THE CUSTODY OF THE DIVISION.

(2) AS SOON AS POSSIBLE, THE SHERIFF SHALL DELIVER THE INMATE TO THE DIVISION TO AWAIT THE EXECUTION OF THE INMATE'S SENTENCE.

(C) EXPENSES.

THE EXPENSES OF THE DIVISION RELATING TO THE DETENTION OF AN INMATE UNDER SENTENCE OF DEATH, INCLUDING THE EXPENSES OF GUARDING, LODGING, FEEDING, CLOTHING, AND CARING FOR THE INMATE, MAY NOT BE ASSESSED AGAINST, BILLED TO, OR PAID BY THE COUNTY IN WHICH THE INMATE WAS INDICTED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 628, § 74 as it related to the sheriff, and the first and second sentences of § 76.

In subsection (a) of this section, the former reference to the sentence of death being "executed as if passed in that place" is deleted as obsolete in light of the specific rules governing the execution of a death sentence that are set forth in this subtitle.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (a) of this section is obsolete. This provision requires that an individual be taken into custody by the sheriff after being sentenced to death. However, in practice, the individual is held only briefly by the sheriff and is taken into custody by the Division of Correction promptly after sentencing. The Committee