

(II) THE EXPENSES RELATING TO THE TRANSPORTATION OF AN INMATE BACK TO THE PLACE OF TRIAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PAID BY THE DIVISION.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of references to "the Commissioner ... or ... the sheriff".

Subsections (b), (c), and (d) of this section are new language derived without substantive change from former Art. 27, § 77.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the reference to "the sheriff of a county in which an inmate was indicted" in subsection (a)(2) of this section is obsolete. In practice, only the Commissioner has custody of an inmate who is under a sentence of death. See Revisor's Note to § 3-901 of this subtitle. The General Assembly may wish to repeal subsection (a) of this section and substitute references to "the Commissioner" for the current references to "the official who has custody of the inmate" throughout this section.

In subsection (b)(1) of this section, the reference to a warrant of execution that is stayed by a "court" is substituted for the former reference to a warrant of execution that is stayed by a "competent judicial proceeding" for brevity.

Also in subsection (b)(1) of this section, the requirement that the "Governor or court" serve notice of the reprieve or stay on the inmate and the official who has custody of the inmate is added to state expressly that which was only implied in the former law.

In subsection (d)(2) of this section, the reference to an individual being resented "to death" is added to state expressly that which was formerly only implied in the reference to an individual being "resentence[d]".

In subsection (d)(3)(i) of this section, the reference to an inmate who "is in the custody of the Commissioner" is substituted for the former reference to an inmate who "has been conveyed to [a correctional facility] ... under the jurisdiction of the Division of Correction" for consistency with § 9-103 of this article, which provides that an inmate who has been sentenced to the jurisdiction of the Division of Correction shall be committed to the custody of the Commissioner.

Defined terms: "Commissioner" § 3-101

"County" § 1-101

"Division" § 3-101

"Inmate" § 1-101

3-904. INCOMPETENT INMATE.

(A) DEFINITIONS.