

(D) CONSTRUCTION.

THIS TITLE DOES NOT LIMIT OR SUPERSEDE THE AUTHORITY OF A COURT TO DETERMINE THE CONDITIONS OF PRETRIAL RELEASE.

REVISOR'S NOTE: Subsections (a), (b)(1) and (2), (c), and (d) of this section are new language derived without substantive change from former Art. 41, § 4-1403.

Subsection (b)(3) of this section is new language added to reflect § 5-404 of this title, which provides that the Division shall operate a centralized booking facility for Baltimore City.

In subsection (c)(1) and (2) of this section, the former references to "Article 27, §§ 667 through 726" and "§§ 45 through 47 of Article 87", respectively, are deleted as included in the references to "this Code".

In subsection (c)(2) of this section, the word "individuals" is substituted for the former word "persons" to reflect the fact that other entities included in the defined term "person" cannot be incarcerated. See § 1-101 of this article for the definition of "person".

Defined terms: "Department" § 1-101
"Division" § 5-101
"Division of Correction" § 1-101
"Inmate" § 1-101
"Local correctional facility" § 1-101

5-202. COMMISSIONER.

(A) APPOINTMENT.

WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY SHALL APPOINT A COMMISSIONER OF PRETRIAL DETENTION AND SERVICES.

(B) TENURE.

THE COMMISSIONER SERVES AT THE PLEASURE OF THE SECRETARY.

(C) POWERS AND DUTIES.

THE COMMISSIONER:

(1) HAS THE SAME AUTHORITY OVER THE DIVISION AS THIS CODE VESTS IN THE COMMISSIONER OF CORRECTION OVER THE DIVISION OF CORRECTION;

(2) SHALL KEEP SAFELY ANY INMATE COMMITTED OR TRANSFERRED TO THE CUSTODY OF THE COMMISSIONER UNTIL THE INMATE IS DISCHARGED IN ACCORDANCE WITH LAW;

(3) IS IN CHARGE OF THE DIVISION, SUBJECT TO THE AUTHORITY OF THE SECRETARY;