

language of former Art. 41, § 4-401(b)(8) suggested that the Secretary has discretionary authority to adopt approved standards. Former Art. 41, § 4-401(b)(8) defined "approved standards" to mean policies and procedures "in areas such as personnel, training, administration, management, planning and coordination, research and evaluation, physical plant, special management inmates, rules and discipline, mail and visiting, reception and orientation, inmate property control, inmate work programs, education and vocational training, library services, religious services, recreational activities, counseling, release preparation and volunteers". The reference in former Art. 41, § 4-401(b)(8) to policies and procedures in "areas such as" the specifically enumerated areas implied that the Secretary has discretionary authority to adopt approved standards. Subsection (b) of this section has been drafted to reflect the mandatory nature of former Art. 27, § 704(a) rather than the discretionary nature of former Art. 41, § 4-401(b)(8). The General Assembly may wish to make it discretionary for the Secretary to adopt approved standards. The Committee also notes that the Secretary has never adopted approved standards.

Former Art. 27, § 704(b), which defined "[s]tandards", is deleted as surplusage.

Defined terms: "Approved standards" § 8-101

"Commission" § 8-101

"Inmate" § 1-101

"Local correctional facility" § 1-101

"Minimum mandatory standards" § 8-101

"Secretary" § 1-101

"State correctional facility" § 1-101

8-104. STATE FUNDS.

EXCEPT AS PROVIDED IN THE STATE BUDGET, STATE FUNDS MAY NOT BE USED TO IMPLEMENT STANDARDS FOR STATE CORRECTIONAL FACILITIES THAT ARE ADOPTED OR PROPOSED BY THE AMERICAN CORRECTIONAL ASSOCIATION.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 27, § 704(a).

The former reference to standards that are adopted, "promulgated and/or" proposed is deleted as surplusage.

The prohibition against State money being "used" is substituted for the former prohibition against money being "expended" for consistency with terminology used throughout the revised articles of the Code. See, e.g., CL § 9-401.2(3)(c), CJ §§ 3-2A-03A(d) and (e), 7-204(b), and 13-603(c), ED §§ 5-201(b) and 11-203(d), FI § 9-220(b), FL § 2-404, HG § 7-206(c), and IN §§ 20-301(c) and 20-410(c)(1).

The former reference to the "Commission on Accreditation for Corrections",