

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-401(d)(3), (4), and (7).

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(1) of this section requires the Commission to establish and implement a process to inspect State and local correctional facilities to determine and "certify" compliance with applicable standards. Currently, the Commission does not interpret this provision to require the issuance of a "certificate" of compliance. In practice, the Commission has implemented this provision by issuing a letter that simply acknowledges compliance or noncompliance with applicable standards.

Defined terms: "Commission" § 8-101

"Local correctional facility" § 1-101

"State correctional facility" § 1-101

8-114. SAME — ORDERS TO CLOSE A FACILITY OR CEASE OPERATION.

(A) VIOLATION OF MANDATORY STANDARDS.

IF, AFTER HOLDING A HEARING ON THE ISSUE, THE COMMISSION DETERMINES THAT A CORRECTIONAL FACILITY IS IN VIOLATION OF THE MINIMUM MANDATORY STANDARDS, THE COMMISSION MAY ISSUE AN ORDER TO CEASE OPERATION OF THE CORRECTIONAL FACILITY OR ANY OF ITS CORRECTIONAL ELEMENTS, PROCEDURES, OR FUNCTIONS.

(B) NOTICE OF HEARING.

THE COMMISSION SHALL PROVIDE TO A CORRECTIONAL FACILITY REASONABLE NOTICE OF A HEARING UNDER SUBSECTION (A) OF THIS SECTION.

(C) HEARING PROCEDURES.

THE COMMISSION MAY SUBPOENA WITNESSES AND HOLD PUBLIC HEARINGS IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE BEFORE MAKING A FINAL DECISION ON THE CLOSURE OF A CORRECTIONAL FACILITY OR ANY OF ITS CORRECTIONAL ELEMENTS, PROCEDURES, OR FUNCTIONS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-401(d)(5) and (6).

In subsection (a) of this section, the reference to the defined term "minimum mandatory standards" is substituted for the former reference to "mandatory standards" for consistency throughout this subtitle. See § 8-101 of this subtitle for the definition of "minimum mandatory standards".

Also in subsection (a) of this section, the reference to the Commission's authority to issue an order to cease operation of "the correctional facility" or any of its correctional "elements", procedures, or functions is added for consistency with subsection (c) of this section.