

(II) A SHERIFF, WARDEN, OR SUPERINTENDENT OR AN INDIVIDUAL WITH AN EQUIVALENT TITLE WHO IS APPOINTED OR EMPLOYED BY A UNIT OF GOVERNMENT TO EXERCISE EQUIVALENT SUPERVISORY AUTHORITY.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-301(b)(7).

In the introductory language of paragraph (1) of this subsection, the former reference to an individual who is "charged with and actually performs" certain duties is deleted as implicit in the reference to an individual who has those duties.

Also in the introductory language of paragraph (1) of this subsection, the former phrase "as defined in this section" is deleted as surplusage because such references are not necessary for defined terms.

In items (1)(i) through (iii) of this subsection, the references to individuals who have been placed on "parole", "mandatory supervision", or "probation" or who have "received a suspended sentence" are added for consistency with subsection (g) of this section and §§ 8-202 and 8-208(1) of this subtitle. All of these provisions reflect the General Assembly's intent to make the provisions of this subtitle applicable to members of a correctional unit that have responsibility for individuals who are placed on parole, mandatory supervision, or probation or who receive a suspended sentence in addition to members of a correctional unit who have responsibility for inmates of a correctional facility.

In paragraph (2) of this subsection, the former reference to an individual "serving as ... [a correctional officer] solely by virtue of his occupying any other office or position" is deleted. The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of this phrase is unclear, but that it appears to be unnecessary in light of the specific listing of particular offices and positions in paragraph (2) of this subsection. The General Assembly may wish to retain this language or clarify its meaning.

In paragraph (2)(ii) of this subsection, the word "individual" is substituted for the former reference to "person" because only a human being, and not the other entities included in the defined term "person", can be appointed or employed by a unit of government to exercise equivalent supervisory authority. See § 1-101 of this article for the definition of "person".

Defined terms: "Correctional unit" § 8-201  
"Inmate" § 1-101

(F) CORRECTIONAL SUPERVISOR.

"CORRECTIONAL SUPERVISOR" MEANS A CORRECTIONAL OFFICER WHO HAS BEEN PROMOTED TO FIRST-LINE SUPERVISORY DUTIES.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-301(b)(8).