

(2) THE LOCAL CORRECTIONAL FACILITY IS NOT EQUIPPED TO PROPERLY PROVIDE THE NECESSARY TREATMENT OR DETENTION; AND

(3) WHEN REQUIRED BY ANY OTHER LAW, THE COMMITTING COURT APPROVES THE TRANSFER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 690(g).

In the introductory language to this section, the reference to "pretrial defendants" is deleted as unnecessary in light of the defined term "inmate". See § 1-101 of this article for the definition of "inmate".

In item (3) of this section, the former prohibition against "[a] transfer [taking place] under this subsection ... without" the specified approval is deleted as unnecessary in light of the introductory language of this section, which provides that the Commissioner of Correction may accept the transfer of an inmate only if all of the conditions listed in this section are met.

Defined terms: "Commissioner of Correction" § 1-101

"Inmate" § 1-101

"Local correctional facility" § 1-101

9-304. TRANSFER OF MINIMUM SECURITY INMATES TO LOCAL CORRECTIONAL FACILITIES.

BY MUTUAL AGREEMENT WITH A COUNTY OR COUNTIES, THE COMMISSIONER OF CORRECTION MAY TRANSFER A MINIMUM SECURITY INMATE TO A LOCAL CORRECTIONAL FACILITY OPERATED BY THE COUNTY OR COUNTIES FOR PARTICIPATION IN COMMUNITY-ORIENTED CORRECTIONAL PROGRAMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 690(f).

The reference to a mutual agreement with a "county" or counties is added for consistency with § 11-102 of this article, which authorizes the governing body of one or more counties to establish and maintain a local correctional facility.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that this section is applicable only to inmates in "minimum security" status. There is no authority under this section to transfer an inmate who is in "prerelease" status to a local correctional facility for participation in community-oriented correctional programs. Since "prerelease" is a lower security status than "minimum security", the General Assembly may wish to make this section applicable to both "minimum security" and "prerelease" inmates.