

defined term "public roads". See § 9-501 of this subtitle for the definition of "public roads".

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the reference to "male" inmates in subsection (b) of this section may reflect outdated assumptions about differences between male and female inmates and may be a violation of the guarantees of equal protection that are embodied in the State and federal constitutions. See also §§ 9-503(a) and 9-508(a) and (b) of this subtitle.

Defined terms: "Inmate" § 1-101

"Local correctional facility" § 1-101

"Public roads" § 9-501

"State correctional facility" § 1-101

9-508. CERTIFICATION TO GOVERNOR OF INMATES AVAILABLE FOR ROAD WORK FORCE.

(A) CERTIFICATION BY COMMISSIONER.

THE GOVERNOR MAY REQUIRE THAT THE COMMISSIONER OF CORRECTION CERTIFY TO THE GOVERNOR THE NUMBER OF MALE INMATES WHO ARE CONFINED IN CORRECTIONAL FACILITIES IN THE DIVISION OF CORRECTION AND WHO ARE AVAILABLE AND PHYSICALLY ABLE TO WORK ON PUBLIC ROADS OF THE STATE.

(B) CERTIFICATION BY LOCAL GOVERNING BODY.

IF THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION DESIRES THAT INMATES OF A CORRECTIONAL FACILITY UNDER ITS JURISDICTION WORK ON PUBLIC ROADS OF THE STATE, THE GOVERNING BODY MAY CERTIFY TO THE GOVERNOR THE NUMBER OF MALE INMATES WHO ARE AVAILABLE AND PHYSICALLY ABLE TO PERFORM THE WORK.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 27, § 720 and the first clause of the second sentence as it related to the authority of local governments to certify the number of inmates to the Governor.

In subsection (a) of this section, the former phrase "from time to time" is deleted as surplusage.

Also in subsection (a) of this section, the reference to correctional facilities "in" the Division of Correction is substituted for the former reference to correctional facilities "under the jurisdiction" of the Division of Correction for consistency throughout this article. See General Revisor's Note to this article.

In subsections (a) and (b) of this section, the former references to the roads of "any county, city or town thereof" are deleted as included in the references to the roads "of the State".