

"Division" of Correction are substituted for the former references to the "Department" of Correction to reflect Ch. 401, Acts of 1970, which created the Department of Public Safety and Correctional Services and renamed the Department of Correction to be the Division of Correction.

In subsection (b)(3) of this section, the former reference to suspending a sentence "as [the Governor] deems proper" is deleted as unnecessary in light of the reference to "may", which indicates discretionary authority.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(3) of this section gives the Governor authority to suspend the execution of an inmate's sentence without first giving notice to the public as required by Md. Constitution, Art. II, § 20 for reprieves and pardons. The Committee believes that the suspension of the execution of a sentence is a "reprieve" within the meaning of Md. Constitution, Art. II, § 20 and is unclear as to whether the General Assembly has the power to authorize the Governor to grant a reprieve without first giving the required notice. The Committee believes that the General Assembly may have the power to do so under Md. Constitution, Art. III, § 60, which gives the General Assembly power to "provide by general enactment ... for the suspension of sentence by the Court in criminal cases". However, the General Assembly may wish to consider, as a matter of policy, whether the Governor should be required to give the notice specified in Md. Constitution, Art. II, § 20 before suspending a sentence under subsection (b)(3) of this section.

In subsection (d)(2)(i) of this section, the former reference to a "city, or town" is deleted as unnecessary in light of the reference to the defined term "county", which includes Baltimore City.

In subsection (e) of this section, the reference to other relative "of the child" is added each time for clarity.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that subsection (c)(1) of this section authorizes the Division of Correction to order a father or other relative to take custody of a child born to an inmate. If the Division of Correction decides to place a child in the custody of a father or other relative, subsection (e)(2) of this section requires the father or relative to care for the child until the mother is released from the correctional facility or the child is adopted. In essence, these provisions give the Division of Correction authority to make a child custody decision and suggest that custody of the child automatically reverts back to the mother upon her release from confinement. The Committee believes that it is inappropriate to give the Division of Correction authority to make a child custody decision and equally inappropriate to require that custody of a child automatically revert back to the mother upon her release from confinement. The Committee believes that a better policy would require that the mother arrange for custody of the child and, in situations in which the mother is unable to do so, that the Division of Correction place the