

(1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES MAY APPROVE OR DISAPPROVE A REQUEST FOR APPROVAL TO CONSTRUCT OR LOCATE A FACILITY FOR ADULTS IN THIS STATE.

(2) THE SECRETARY OF JUVENILE JUSTICE MAY APPROVE OR DISAPPROVE A REQUEST FOR APPROVAL TO CONSTRUCT OR LOCATE A FACILITY FOR JUVENILES IN THIS STATE.

(3) APPROVAL OR DISAPPROVAL SHALL BE:

(I) AFTER CONSULTATION WITH THE GOVERNOR, THE GOVERNING BODY OF THE COUNTY IN WHICH THE FACILITY WILL BE LOCATED, AND THE COMMUNITY IN WHICH THE FACILITY WILL BE LOCATED; AND

(II) IN ACCORDANCE WITH APPLICABLE STANDARDS CONCERNING THE LOCATION OF FACILITIES.

(D) INCREASE OF INMATE POPULATION IN EXISTING FACILITIES.

IF ANOTHER STATE HAS AN EXISTING FACILITY IN THIS STATE, THE OTHER STATE MAY NOT INCREASE THE INMATE POPULATION OF THAT FACILITY BY MORE THAN 5% UNLESS THE OTHER STATE FIRST SUBMITS A WRITTEN REQUEST FOR THE INCREASE TO AND RECEIVES APPROVAL FOR THE INCREASE FROM:

(1) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, IN THE CASE OF A FACILITY FOR ADULTS; OR

(2) THE SECRETARY OF JUVENILE JUSTICE, IN THE CASE OF A FACILITY FOR JUVENILES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-1211.

Subsection (a) of this section is new language added to avoid repetition of the phrase "correctional facility of any kind for adults or juveniles".

In subsection (c)(3)(i) of this section, the former reference to the "local" governing body of the county is deleted as implicit in the reference to the "governing body of the county".

Defined terms: "County" § 1-101

"Inmate" § 1-101

"State" § 1-101

TITLE 11. LOCAL CORRECTIONAL FACILITIES.

SUBTITLE 1. ESTABLISHMENT OF LOCAL CORRECTIONAL FACILITIES.

11-101. SCOPE.

THIS SUBTITLE DOES NOT APPLY TO BALTIMORE CITY.