

Defined terms: "County" § 1-101

"Inmate" § 1-101

"Local correctional facility" § 1-101

"Secretary" § 1-101

11-106. CONTRACT BETWEEN STATE AND COUNTY OR COUNTIES.

(A) CONTRACT REQUIRED.

ON APPROVING LOCAL CORRECTIONAL FACILITY PLANS THAT REQUIRE STATE FINANCIAL ASSISTANCE, THE SECRETARY SHALL ENTER INTO A WRITTEN CONTRACT WITH THE COUNTY OR COUNTIES INVOLVED SETTING FORTH THE RIGHTS, POWERS, DUTIES, AND RESPONSIBILITIES OF ALL PARTIES.

(B) INMATES SENTENCED TO DIVISION OF CORRECTION.

THE CONTRACT MAY PROVIDE FOR THE HOUSING AND REHABILITATION IN A LOCAL CORRECTIONAL FACILITY OF INMATES SENTENCED TO STATE CORRECTIONAL FACILITIES UNDER CONDITIONS AGREED ON BY ALL PARTIES.

(C) CONTRACTUAL REQUIREMENTS OF REVIEW AND COMPLIANCE.

THE SECRETARY MAY NOT APPROVE A CONTRACT UNLESS THE CONTRACT PROVIDES:

(1) FOR A PERIODIC REVIEW OF THE FACILITIES AND REHABILITATION AND TRAINING PROGRAMS OF THE LOCAL CORRECTIONAL FACILITY BY THE MARYLAND COMMISSION ON CORRECTIONAL STANDARDS; AND

(2) THAT THE LOCAL CORRECTIONAL FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE MINIMUM MANDATORY STANDARDS DESCRIBED IN § 8-103(A) OF THIS ARTICLE.

(D) TRANSFERS TO THE DIVISION OF CORRECTION.

IN THE ABSENCE OF ANY CONTRACT, COURT ORDER, OR CONSENT DECREE, INMATES SENTENCED TO THE JURISDICTION OF THE DIVISION OF CORRECTION MAY NOT BE HOUSED IN A LOCAL CORRECTIONAL FACILITY FOR MORE THAN 30 DAYS WHILE AWAITING TRANSFER TO THE DIVISION OF CORRECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 705(f).

Throughout this section, the term "contract" is substituted for the term "agreement" for consistency with subsection (c) of this section.

In subsection (c)(2) of this section, the reference to "minimum mandatory standards described in § 8-103(a) of this article" is substituted for the former reference to the "Commission's mandatory standards" for clarity because the relevant standards are not promulgated by the Commission. Under § 8-103(a) of this article, minimum mandatory standards for correctional facilities are promulgated by the Secretary.