

(III) A PAYMENT MADE IN VIOLATION OF THIS PARAGRAPH SHALL BE FORFEITED TO THE STATE.

(E) EFFECT OF SECTION.

THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM CONTRACTING FOR SERVICES TO:

- (1) DETERMINE THE INDIVIDUAL'S INNOCENCE;
- (2) OBTAIN A PARDON; OR
- (3) OBTAIN THE INDIVIDUAL'S RELEASE FROM CONFINEMENT.

REVISOR'S NOTE: Chapter 54, Acts of 1999, which enacted the Correctional Services Article, also enacted this section, which is new language derived without substantive change from former Art. 78A, § 16A.

Throughout this section, the term "individual" is substituted for the former term "person" because only a human being, and not the other types of entities included in the defined term "person", can be falsely imprisoned. See § 1-101 of this article for the definition of "person".

In subsections (a) and (c) of this section, the former references to "discretion" are deleted as implicit in the word "may". Correspondingly, in subsection (c) of this section, the former phrase "as it deems appropriate" is deleted.

In subsection (a) of this section, the former reference to confinement "pursuant to the sentence imposed for such crime" is deleted as implicit in the reference to "confinement".

In subsection (b) of this section, the former reference to the Governor "of this State" is deleted as implicit in the reference to the "Governor".

Also in subsection (b) of this section, the reference to a pardon "stating that the individual's conviction has been shown conclusively to be in error" is substituted for the former reference to a pardon "in which it is made known that the person so pardoned has been conclusively shown to have been convicted in error" for brevity.

In subsection (e) of this section, the former reference to "validly" contracting for services is deleted as implicit in the legal meaning of "contract[ing]". Similarly, in subsection (e) of this section, the former phrase "where otherwise permitted by law" is deleted as surplusage.

Defined term: "Person" § 1-101

SECTION 4. AND BE IT FURTHER ENACTED, That Section 4-105(a) of Article 41 - Governor - Executive and Administrative Departments of the Annotated Code of Maryland be repealed and reenacted, with amendments, and transferred to the Session Laws, to read as follows: