

~~(5) A RELATED INSTITUTION MAY NOT REFUSE TO ADMIT AN INDIVIDUAL TO RESIDENCY IN THE RELATED INSTITUTION OR REMOVE A RESIDENT FROM THE RELATED INSTITUTION BECAUSE OF A REQUEST FOR ELECTRONIC MONITORING.~~

~~(6) A RELATED INSTITUTION SHALL MAKE REASONABLE PHYSICAL ACCOMMODATION FOR ELECTRONIC MONITORING, BY PROVIDING:~~

~~(I) A REASONABLY SECURE PLACE TO MOUNT THE ELECTRONIC MONITORING DEVICE; AND~~

~~(II) ACCESS TO POWER SOURCES.~~

~~(7) A RELATED INSTITUTION SHALL INFORM A RESIDENT OR THE LEGAL REPRESENTATIVE OF THE RESIDENT OF THE RESIDENT'S RIGHT TO ELECTRONIC MONITORING.~~

~~(8) A RELATED INSTITUTION MAY REQUEST A RESIDENT OR A RESIDENT'S LEGAL REPRESENTATIVE TO CONDUCT ELECTRONIC MONITORING WITHIN PLAIN VIEW.~~

~~(C) A RESIDENT WHO WISHES TO INSTALL AN ELECTRONIC MONITORING DEVICE MAY BE REQUIRED BY THE ADMINISTRATOR OF THE RELATED INSTITUTION TO MAKE THE REQUEST IN WRITING.~~

~~(D) SUBJECT TO THE MARYLAND RULES OF EVIDENCE, A TAPE CREATED THROUGH THE USE OF ELECTRONIC MONITORING SHALL BE ADMISSIBLE IN EITHER A CIVIL OR CRIMINAL ACTION BROUGHT IN A MARYLAND COURT.~~

~~(E) (1) A PERSON WHO OPERATES A RELATED INSTITUTION IN VIOLATION OF THE PROVISIONS IN THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.~~

~~(2) A PERSON WHO WILLFULLY AND WITHOUT THE CONSENT OF A RESIDENT HAMPERS, OBSTRUCTS, TAMPERS WITH, OR DESTROYS AN ELECTRONIC MONITORING DEVICE OR TAPE SHALL BE GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.~~

~~SECTION 1. AND BE IT FURTHER ENACTED, BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:~~

~~(a) The Department of Health and Mental Hygiene shall develop guidelines for a nursing home that elects to use electronic monitoring with the consent of a resident or the legal representative of the resident.~~

~~(b) On or before December 1, 2003, the Department of Health and Mental Hygiene shall report on the guidelines developed under subsection (a) of this section to the Senate Finance Committee and the House Health and Government Operations Committee of the General Assembly, in accordance with § 2-1246 of the State Government Article.~~