

# HOUSE BILL 921

E4  
HB 938/09 – JUD

3lr2031  
CF SB 258

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By: **Delegates Valentino–Smith, Kach, Lee, McComas, and Vallario**

Introduced and read first time: February 7, 2013

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services – Inmate Earnings – Compensation for Victims of**  
3 **Crime**

4 FOR the purpose of adding a requirement that the Department of Public Safety and  
5 Correctional Services pay compensation for victims of crime in accordance with  
6 certain provisions to a list of deductions that the Department is required to  
7 withhold from an inmate’s earnings; requiring the Department to withhold a  
8 certain amount of the earnings of an inmate in a certain program for  
9 compensation for victims of crime; requiring the Department to allocate  
10 earnings that are withheld in a certain manner; requiring the Criminal Injuries  
11 Compensation Board to distribute certain amounts to a certain person or  
12 governmental unit; establishing that compliance with a judgment of restitution  
13 is a required condition of work release if work release is allowed; applying  
14 certain provisions relating to responsibility for the administration of payments  
15 of restitution to the Department instead of to the Division of Parole and  
16 Probation; requiring the Department to submit a certain report by a certain  
17 date; altering the purpose of the Criminal Injuries Compensation Fund to  
18 include distribution of certain restitution payments; and generally relating to  
19 compensation for victims of crime.

20 BY repealing and reenacting, with amendments,  
21 Article – Correctional Services  
22 Section 11–604  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,  
2 Article – Criminal Procedure  
3 Section 11–607 and 11–819(b)  
4 Annotated Code of Maryland  
5 (2008 Replacement Volume and 2012 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Correctional Services**

9 11–604.

10 (a) The Department shall collect an inmate’s earnings.

11 (b) From an inmate’s earnings, the Department shall:

12 (1) reimburse the county or State for the cost of providing food,  
13 lodging, and clothing to the inmate in a local correctional facility;

14 (2) pay court ordered payments for support of dependents; [and]

15 (3) pay court ordered payments for restitution; AND

16 (4) PAY COMPENSATION FOR VICTIMS OF CRIME IN ACCORDANCE  
17 WITH SUBSECTION (C) OF THIS SECTION.

18 (C) (1) OF THE EARNINGS OF AN INMATE IN THE PRIVATE  
19 SECTOR/PRISON INDUSTRY ENHANCEMENT CERTIFICATION PROGRAM OF THE  
20 UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE,  
21 THE DEPARTMENT SHALL WITHHOLD 20% FOR COMPENSATION FOR VICTIMS OF  
22 CRIME, IN ACCORDANCE WITH THE REQUIREMENTS OF THE PROGRAM.

23 (2) (I) IF A COURT IN A CRIMINAL OR JUVENILE DELINQUENCY  
24 PROCEEDING HAS ORDERED THE INMATE TO PAY RESTITUTION, THE  
25 DEPARTMENT SHALL FORWARD THE 20% WITHHELD UNDER PARAGRAPH (1) OF  
26 THIS SUBSECTION TO THE CRIMINAL INJURIES COMPENSATION FUND  
27 ESTABLISHED UNDER § 11–819 OF THE CRIMINAL PROCEDURE ARTICLE.

28 (II) THE CRIMINAL INJURIES COMPENSATION BOARD  
29 SHALL DISTRIBUTE FROM THE CRIMINAL INJURIES COMPENSATION FUND ANY  
30 AMOUNT RECEIVED UNDER THIS PARAGRAPH TO THE PERSON OR  
31 GOVERNMENTAL UNIT SPECIFIED IN THE JUDGMENT OF RESTITUTION TO PAY

1 THE RESTITUTION AS REQUIRED UNDER § 11-607(B)(2) OF THE CRIMINAL  
2 PROCEDURE ARTICLE.

3 (3) IF THE INMATE IS NOT SUBJECT TO A JUDGMENT OF  
4 RESTITUTION OR THE JUDGMENT OF RESTITUTION IS SATISFIED, OF THE  
5 MONEY WITHHELD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE  
6 DEPARTMENT SHALL PAY:

7 (I) 50% INTO THE CRIMINAL INJURIES COMPENSATION  
8 FUND ESTABLISHED UNDER § 11-819 OF THE CRIMINAL PROCEDURE ARTICLE;  
9 AND

10 (II) 50% INTO THE STATE VICTIMS OF CRIME FUND  
11 ESTABLISHED UNDER § 11-916 OF THE CRIMINAL PROCEDURE ARTICLE.

12 [(c)] (D) The Department shall:

13 (1) credit to the inmate's account any balance that remains after  
14 paying the items in subsection (b)(1) through (3) of this section; and

15 (2) pay the balance in the inmate's account to the inmate within 15  
16 days after the inmate is released.

### 17 Article – Criminal Procedure

18 11-607.

19 (a) (1) When a judgment of restitution has been entered under § 11-603  
20 of this subtitle, compliance with the judgment of restitution:

21 (i) may be a requirement in the judgment of conviction or  
22 disposition in a juvenile delinquency proceeding;

23 (ii) if work release is ordered **OR ALLOWED**, shall be a condition  
24 of work release;

25 (iii) if probation is ordered, shall be a condition of probation:

26 1. in addition to a sentence or disposition; or

27 2. instead of a sentence if the probation is ordered before  
28 judgment under § 6-220 of this article.

29 (2) Subject to federal law, the Department or the Department of  
30 Juvenile Services shall obtain the Social Security number of the restitution obligor to  
31 facilitate the collection of restitution.

1 (b) (1) The restitution obligor shall make restitution to the [Division]  
2 **DEPARTMENT** or the Department of Juvenile Services under the terms and  
3 conditions of the judgment of restitution.

4 (2) The [Division] **DEPARTMENT** or the Department of Juvenile  
5 Services:

6 (i) shall keep records of payments or return of property in  
7 satisfaction of the judgment of restitution;

8 (ii) shall forward property or payments in accordance with the  
9 judgment of restitution and Part I of this subtitle to the person or governmental unit  
10 specified in the judgment of restitution; and

11 (iii) may require the restitution obligor to pay additional fees not  
12 exceeding 2% of the amount of the judgment of restitution to pay for the  
13 administrative costs of collecting payments or property.

14 (c) (1) Whenever an obligor's restitution payment, as ordered by the court  
15 or established by the [Division] **DEPARTMENT**, is overdue, the [Division]  
16 **DEPARTMENT** or the Department of Juvenile Services shall:

17 (i) notify the court; and

18 (ii) if an earnings withholding order is not in effect and the  
19 restitution obligor is employed, request an earnings withholding order.

20 (2) The court may hold a hearing to determine whether the restitution  
21 obligor is in contempt of court or has violated the terms of the probation.

22 (3) If the court finds that the restitution obligor intentionally became  
23 impoverished to avoid payment of the restitution, the court may find the restitution  
24 obligor in contempt of court or in violation of probation.

25 11-819.

26 (b) The Criminal Injuries Compensation Fund:

27 (1) shall be used to:

28 (I) carry out the provisions of this subtitle; and

29 (II) **DISTRIBUTE RESTITUTION PAYMENTS FORWARDED TO**  
30 **THE FUND UNDER § 11-604 OF THE CORRECTIONAL SERVICES ARTICLE; AND**

- 1           (2)    may be used for:
- 2                   (i)    any award given under this subtitle; and
- 3                   (ii)   the costs of carrying out this subtitle.

4           SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public  
5 Safety and Correctional Services, in accordance with § 2-1246 of the State  
6 Government Article, shall report to the Senate Judicial Proceedings Committee and  
7 the House Judiciary Committee on or before December 1, 2013, on the payment of  
8 restitution by inmates under its jurisdiction, addressing how the Department could  
9 increase the collection of restitution, including by having additional inmates pay  
10 toward restitution obligations through an annual transfer or other periodic transfer of  
11 earnings.

12           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.