

SENATE BILL 778

E4, L6, P1

3lr3050
CF 3lr2567

By: **Senator Pugh**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmate Welfare Fund – Telephone Financial**
3 **Assistance**

4 FOR the purpose of requiring the Department of Public Safety and Correctional
5 Services and the managing official of a local correctional facility with an inmate
6 welfare fund to adopt certain regulations regarding the use of profits derived
7 from telephone commissions; requiring that certain commissions be used for
8 telephone calls between an inmate and the minor child of an inmate; requiring
9 that distributions be made according to the financial need of an inmate;
10 requiring the Department and the managing official of a local correctional
11 facility to submit a report with certain information to the General Assembly;
12 and generally relating to inmate welfare in correctional facilities.

13 BY repealing and reenacting, without amendments,
14 Article – Correctional Services
15 Section 10–501, 10–503, 10–504, 11–901, 11–903, and 11–904
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Correctional Services
20 Section 10–502 and 11–902
21 Annotated Code of Maryland
22 (2008 Replacement Volume and 2012 Supplement)

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

25 **Article – Correctional Services**

26 10–501.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 In this subtitle, "fund" means an inmate welfare fund established under §
2 10-502 of this subtitle.

3 10-502.

4 (a) There is an inmate welfare fund in each State correctional facility.

5 (b) A fund may be used only for goods and services that benefit the general
6 inmate population as defined by regulations that the Department adopts.

7 **(C) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT**
8 **REQUIRE A PORTION OF THE PROFITS DERIVED FROM TELEPHONE**
9 **COMMISSIONS THAT ACCRUE TO THE FUND UNDER § 10-503 OF THIS SUBTITLE**
10 **TO BE USED FOR TELEPHONE CALLS BETWEEN AN INMATE AND THE MINOR**
11 **CHILD OF AN INMATE.**

12 **(2) FUNDING THAT IS ALLOCATED FOR THE PURPOSE SET FORTH**
13 **IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED BASED ON THE**
14 **FINANCIAL NEED OF AN INMATE.**

15 **(D) TO PROMOTE TRANSPARENCY REGARDING THE ADMINISTRATION**
16 **OF THE FUND, THE DEPARTMENT SHALL REPORT BY DECEMBER 31 OF EACH**
17 **YEAR TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE**
18 **STATE GOVERNMENT ARTICLE, ON THE NATURE AND THE DOLLAR AMOUNT OF**
19 **THE EXPENDITURES FROM EACH FUND.**

20 10-503.

21 (a) (1) Each fund is a special continuing, nonlapsing fund that is not
22 subject to § 7-302 of the State Finance and Procurement Article.

23 (2) (i) Each fund consists of:

24 1. profits derived from the sale of goods through the
25 commissary operation and telephone and vending machine commissions; and

26 2. subject to subparagraph (ii) of this paragraph, money
27 received from other sources.

28 (ii) Money from the General Fund of the State may not be
29 transferred by budget amendment or otherwise to a fund.

30 (3) The Treasurer shall separately hold and the Comptroller shall
31 account for each fund.

1 (4) Each fund is subject to an audit by the Office of Legislative Audits
2 under § 2–1220 of the State Government Article.

3 (b) (1) Each fund shall be invested and reinvested in the same manner as
4 other State funds.

5 (2) Any investment earnings are not a part of the fund.

6 10–504.

7 The Comptroller shall pay out money from each fund as approved in the State
8 budget.

9 11–901.

10 In this subtitle, “fund” means an inmate welfare fund established under §
11 11–902 of this subtitle.

12 11–902.

13 (a) Each local correctional facility may establish an inmate welfare fund.

14 (b) A fund may be used only for goods and services that benefit the general
15 inmate population as defined by regulations that the managing official of the local
16 correctional facility adopts.

17 **(C) (1) THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL**
18 **FACILITY WITH AN INMATE WELFARE FUND SHALL ADOPT REGULATIONS THAT**
19 **REQUIRE A PORTION OF THE PROFITS DERIVED FROM TELEPHONE**
20 **COMMISSIONS THAT ACCRUE TO THE FUND UNDER § 11–903 OF THIS SUBTITLE**
21 **TO BE USED FOR TELEPHONE CALLS BETWEEN AN INMATE AND THE MINOR**
22 **CHILD OF AN INMATE.**

23 **(2) FUNDING THAT IS ALLOCATED FOR THE PURPOSE SET FORTH**
24 **IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED BASED ON THE**
25 **FINANCIAL NEED OF AN INMATE.**

26 **(D) TO PROMOTE TRANSPARENCY REGARDING THE ADMINISTRATION**
27 **OF THE FUND, THE MANAGING OFFICIAL OF A LOCAL CORRECTIONAL FACILITY**
28 **WITH AN INMATE WELFARE FUND SHALL REPORT BY DECEMBER 31 OF EACH**
29 **YEAR TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE**
30 **STATE GOVERNMENT ARTICLE, ON THE NATURE AND THE DOLLAR AMOUNT OF**
31 **ANY EXPENDITURE FROM THE FUND.**

32 11–903.

1 (a) (1) Each fund is a special continuing, nonlapsing fund.

2 (2) (i) Each fund consists of:

3 1. profits derived from the sale of goods through the
4 commissary operation and telephone and vending machine commissions; and

5 2. subject to subparagraph (ii) of this paragraph, money
6 received from other sources.

7 (ii) Money from the General Fund of the State or county,
8 including any federal funds, may not be transferred by budget amendment or
9 otherwise to a fund.

10 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
11 the chief financial officer for a county shall separately hold and shall account for each
12 fund in the county.

13 (ii) The chief financial officer for Dorchester County or the
14 managing official of the local correctional facility as designated by Dorchester County
15 shall separately hold and shall account for each fund in Dorchester County.

16 (4) This section may not be construed to:

17 (i) prohibit a periodic or special audit by the State, the federal
18 government, or a county that provides funds for a local correctional facility; or

19 (ii) affect the calculation of reimbursement rates, as provided in
20 § 9–403 of this article.

21 (b) (1) Each fund shall be invested and reinvested in the same manner as
22 other county funds.

23 (2) Any investment earnings of a fund shall be credited to the fund.

24 11–904.

25 (a) Except as provided in subsection (b) of this section, the chief financial
26 officer for the county shall pay out money from each fund as approved in the county
27 budget.

28 (b) The chief financial officer for Dorchester County or the managing official
29 of the local correctional facility as designated by Dorchester County shall pay out
30 money from the fund as approved in the county budget.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.