

HOUSE BILL 736

E5

2lr2863
CF 2lr1665

By: **Delegate Thiam**

Introduced and read first time: February 3, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Inmate Release**

3 FOR the purpose of authorizing the Division of Correction and a local correctional facility
4 to establish a certain rate of reimbursement for an inmate sentenced to the Division
5 and confined in a local correctional facility under certain circumstances; requiring
6 the Division to transport a certain inmate from a certain correctional facility to a
7 certain local correctional facility before the inmate is scheduled to be released from
8 a State correctional facility; and generally relating to the release of inmates.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 9–402
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Correctional Services
16 Section 9–609.2
17 Annotated Code of Maryland
18 (2017 Replacement Volume and 2021 Supplement)

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

21 **Article – Correctional Services**

22 9–402.

23 (a) In this section, “sentenced inmates” means those inmates confined in a local
24 correctional facility after being sentenced to the custody of the local correctional facility for
25 more than 12 months and not more than 18 months.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Subject to [subsection] **SUBSECTIONS (d) AND (E)** of this section, for each
2 fiscal year the State shall provide each county a grant equal to at least \$45 for each day
3 from the end of the 12th month through the end of the 18th month that a sentenced inmate
4 was confined in a local correctional facility during the second preceding fiscal year.

5 (c) Subject to subsection (d) of this section, for each fiscal year the State shall
6 provide each county a grant equal to at least \$45 for each day:

7 (1) after the first day through the day of release that an inmate who has
8 been sentenced to the jurisdiction of the Division of Correction was confined in a local
9 correctional facility during the second preceding fiscal year; or

10 (2) that an inmate who has been sentenced to the jurisdiction of the
11 Division of Correction received reentry or other prerelease programming and services from
12 a local correctional facility during the second preceding fiscal year.

13 (d) (1) On or before October 1 of each year, each county shall submit to the
14 Department inmate days reports for the previous fiscal year.

15 (2) If a county fails to submit the information required under paragraph
16 (1) of this subsection when due, the Department shall deduct an amount equal to 20% of
17 the grant under subsection (b) of this section for each 30 days or part of 30 days after the
18 due date that the information has not been submitted.

19 **(E) THE DIVISION OF CORRECTION AND A LOCAL CORRECTIONAL FACILITY**
20 **MAY ESTABLISH, THROUGH A MEMORANDUM OF UNDERSTANDING, A RATE OF**
21 **REIMBURSEMENT FOR AN INMATE SENTENCED TO THE DIVISION OF CORRECTION**
22 **AND CONFINED IN A LOCAL CORRECTIONAL FACILITY.**

23 **9-609.2.**

24 **(A) BEFORE AN INMATE IS SCHEDULED TO BE RELEASED FROM**
25 **CONFINEMENT IN A STATE CORRECTIONAL FACILITY, THE DIVISION OF**
26 **CORRECTION SHALL TRANSPORT THE INMATE FROM THE CORRECTIONAL FACILITY**
27 **TO THE LOCAL CORRECTIONAL FACILITY OF THE INMATE'S LAST KNOWN RESIDENCE**
28 **BEFORE INCARCERATION, AS DETERMINED BY THE DECENNIAL CENSUS.**

29 **(B) THE DIVISION OF CORRECTION SHALL:**

30 **(1) NOTIFY A LOCAL CORRECTIONAL FACILITY BEFORE THE DIVISION**
31 **OF CORRECTION IS SCHEDULED TO TRANSPORT AN INMATE FROM A STATE**
32 **CORRECTIONAL FACILITY TO A LOCAL CORRECTIONAL FACILITY UNDER**
33 **SUBSECTION (A) OF THIS SECTION; AND**

1 **(2) REIMBURSE THE LOCAL CORRECTIONAL FACILITY THAT**
2 **RECEIVES THE INMATE TRANSFERRED FROM A STATE CORRECTIONAL FACILITY**
3 **UNDER SUBSECTION (A) OF THIS SECTION FOR THE EXPENSES INCURRED BY THE**
4 **LOCAL CORRECTIONAL FACILITY AS A RESULT OF THE TRANSFER AT A RATE:**

5 **(I) DETERMINED BY A MEMORANDUM OF UNDERSTANDING**
6 **BETWEEN THE DIVISION OF CORRECTION AND THE LOCAL CORRECTIONAL**
7 **FACILITY; OR**

8 **(II) IF THE DIVISION OF CORRECTION AND THE LOCAL**
9 **CORRECTIONAL FACILITY DO NOT HAVE A MEMORANDUM OF UNDERSTANDING, IN**
10 **ACCORDANCE WITH § 9-402 OF THIS TITLE.**

11 **(C) THE DIVISION OF PAROLE AND PROBATION SHALL SUPERVISE ANY**
12 **REQUIRED PROBATION, PAROLE, OR MANDATORY SUPERVISION OF AN INMATE**
13 **TRANSFERRED UNDER SUBSECTION (A) OF THIS SECTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.