

HOUSE BILL 1147

E4, L6

2lr2196
CF SB 910

By: **Delegates Valentino–Smith, Alston, Carter, McComas, Mitchell, Mizeur,
Valderrama, Vallario, and Wilson**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring the managing official of a local correctional facility with
5 an inmate welfare fund to adopt regulations that require a portion of the profits
6 derived from telephone commissions to be used for telephone calls that take
7 place between an inmate and the minor child of an inmate; requiring that
8 distributions be made according to the financial need of an inmate; and
9 generally relating to inmate welfare in local correctional facilities.

10 BY repealing and reenacting, without amendments,
11 Article – Correctional Services
12 Section 11–901, 11–903, and 11–904
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2011 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Correctional Services
17 Section 11–902
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 Supplement)

20 Preamble

21 WHEREAS, The maintenance of family ties during imprisonment is essential to
22 the health and well–being of both inmates and the children of inmates; and

23 WHEREAS, Inmate contacts with their children are encouraged for the positive
24 purpose of inmate rehabilitation; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Inmate–family communication policies demonstrate the value the
2 State places on the preservation of the family unit and the continuation of
3 parent–child contact; and

4 WHEREAS, A minor child of an inmate may experience severe isolation and
5 loneliness without regular contact with an incarcerated parent; now, therefore,

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 11–901.

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 THAT TAKE PLACE BETWEEN AN INMATE**
22 **AND THE MINOR 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 11–903.

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

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

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

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

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

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

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

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

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

15 (ii) affect the calculation of reimbursement rates, as provided in
16 § 9-403 of this article.

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

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

20 11-904.

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2012.